

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

3. At the outset, this Court is unable to agree with the said contentions of the learned counsel for the petitioners. Merely because the police has filed a negative report, it does not

mean to say that the learned Magistrate should not apply his mind and take cognizance of the matter. The learned Magistrate could scrutinize the report filed by the police and if any material available on record either by way of positive or negative report, the learned Magistrate can take cognizance of the proceedings and that cannot be a ground for seeking a direction to quash the proceedings.

4.Since the case arises out of counter case, the learned Magistrate is hereby directed to dispose of both the cases at the same time and conduct a separate trial in both the cases. The learned Magistrate shall not be influenced by the evidence recorded in one case while deciding the other case.

5.Considering the above, both the cases should be decided as per the guidelines issued by the Hon'ble Apex Court in 1990 (Supp) Supreme Court Cases 145 in Nathilal and others V. State of U.P. and another.

6.With the above direction, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,Uthangarai.

2.The Inspector of Police
Singarapettai Police Station
Krishnagiri District

3.The Public Prosecutor,
High Court of Madras.
Chennai - 600 104.

CRL.O.P.No.14788 of 2022
&Crl.M.P.No.8187 & 8188 of 2022

GPL(CO)
A.SK(15/07/2022)