



Crl.OP.No.15702 of 2020

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G.K.ILANTHIRAIYAN, J.

At the instance of the learned counsel for the petitioner, today this matter has been posted under the caption “for being mentioned”.

2. The learned counsel for the petitioner would submit that while disposing the petition in Crl.OP.No.15702 of 2020 dated 16.06.2022, this Court directed the learned Magistrate concerned to complete the trial in CC.No.129 of 2018 within a stipulated period. However, the same had been taken cognizance only for the offences under Sections 498A, 494, 406, 109 of IPC. Hence, he requested that a direction may be issued to frame charges for the offences under Sections 417, 420, 448, 354, 354(A), 354(B), 120(B) of IPC as against the accused persons in CC.No.129 of 2019.

3. Heard, the learned counsel for the petitioner.



4. In view of the submissions of the learned counsel for the petitioner, it is ordered that the paragraphs 5 & 6 of the order passed in Crl.OP.No.15702 of 2020 dated 16.06.2022 shall be deleted and the following paragraphs shall be included.

“5. It is seen that for the very same offences, already she lodged a police complaint and the same has been charge sheeted and pending for trial in CC.No.129 of 2019. For the very same allegation, pending FIR., the petitioner filed a private complaint and the same has been taken cognizance in CC.No.393 of 2018. Therefore, the private complaint lodged by the petitioner cannot be sustained in C.C.No.393 of 2018 on the file of the learned Judicial Magistrate, Tambaram as against the private respondents since already the respondents 1 to 6 are facing charges for the offence under Section 498A, 494, 406 and 109 of IPC in C.C.No.129 of 2019. Therefore, the entire proceedings in CC.No.393 of 2018 on the file of the learned Judicial Magistrate, Tambaram is hereby quashed.

6. At this juncture, the learned counsel for the petitioner would submit that on the private complaint lodged by the petitioner, the learned Judicial Magistrate, Tambaram had taken cognizance in CC.No.393 of 2018 for the offence under



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Sections 498A, 494, 417, 420, 448, 354, 354A, 354B, 120B of IPC. Whereas FIR was registered by the seventh respondent herein in crime No.12 of 2018 only for the offence under Sections 498A, 494, 406, 109 of IPC.

7. Considering the above facts and circumstances of the case, the trial court i.e. the learned Judicial Magistrate, Ambattur is directed to frame the charges for the offences under Sections 417, 420, 448, 354, 354(A), 354(B), 120(B) of IPC as against the accused persons in CC.No.129 of 2019 and proceed with the trial after giving opportunity to the accused persons.

8. With the above directions, this criminal original petition is disposed of.”

5. Accordingly, the Registry is directed to issue a fresh order copy in Crl.OP.No.15702 of 2020 dated 16.06.2022 after making necessary corrections.

06.07.2022

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