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Crl.O.P.No.17065 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.17065 of 2019

and

Crl.M.P.No.8600 of 2019

Mohamed Bazeer

... Petitioner

Vs.

1.The Sub Inspector of Police,
Vettaikaran Iruppu Police Station,
Vedaranyam Taluk,
Nagapattinam District.
Crime No.118 of 2018

2.Shanmugarasu

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining to C.C.No.20 of 2019 on the file of District Munsif cum Judicial Magistrate Court, Vedaranyam, Nagapattinam District and to quash the same in accordance with law.

For Petitioner : No appearance

For R1 : Mr.N.S.Suganthan
Government Advocate (Crl.Side)



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For R2 : No appearance

ORDER

There is no representation for the petitioner.

2. This Criminal Original Petition is filed to quash the criminal case in C.C.No.20 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Vedaranyam, Nagapattinam District.

3. The case is filed on the ground that on 15.12.2018 at about 10.30 a.m., there was quarrel between two groups while disbursing the relief for the Gaja cyclone victims. Based on the information given by the 2nd respondent, the 1st respondent police registered a case in Crime No.118 of 2018 on 16.12.2018 at about 17.00 hours against this petitioner.

4. It is contended that the petitioner was in fact attacked by one Shanmugarasu and his son on 15.12.2018 at about 5.00 p.m. The petitioner sustained severe injuries and got admitted in the Nagapattinam District Headquarters hospital and treated as in-patient from 16.12.2018



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to 20.12.2018. A case in Crime No.119 of 2018 against Shanmugarasu and others has been registered, but without proper investigation and without following the Police Standing Rules 588 A, the Investigating Officer has proceeded with the investigation and filed a final report contrary to the Rule. Being a case and case in counter, the final report ought to have been filed only against the aggressor and not against the victim.

5. However, the learned Government Advocate (Crl.Side) produced the CD file and submitted that though the complaint was given on 16.12.2018 and registered on the same day one in Crime No.118 of 2018 and another in Crime No.119 of 2018, as far as the incident is concerned, it occurred on the previous day while disbursing the relief materials to the public. Since both the incidents were two distinct incidents, investigation was conducted and two final reports have been filed.



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6. This Court on perusing the CD file finds that when the group led by Shanmugarasu was disbursing the relief material on 15.12.2018 from 10.30 a.m., and was about to close at 6.00 p.m, the group led by the petitioner herein had questioned them and thus tussle occurred. The Investigating Officer has thought it fit that these two complaints ought to have been tried separately, filed two final reports. Both were taken on file in C.C.No.20 of 2019 against this petitioner another in C.C.No.57 of 2019 as against Shanmugarasu and others.

7. Having completed the investigation and has already filed the final reports, it is now reported that the trial in C.C.No.57 of 2019 has reached its finality. Therefore, this Court is of the view that there is no prejudice would be caused to the petitioner herein by filing two separate C.C., against him, since the cognizable offence and *prima facie* case made out during the course of investigation. Just because a counter case has been filed by him and the same is under trial, the petitioner herein again to exonerate all the culpability if he has committed the offence as found in the final report filed against him.



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8. Hence, this Criminal Original Petition to quash the C.C.No.20 of 2019 is dismissed. The trial Court is directed to complete the trial within a period of four (4) months from the date of receipt of a copy this order. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

01.11.2022

rpl

Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The District Munsif cum Judicial Magistrate Court, Vedaranyam,
Nagapattinam District.

2.The Sub Inspector of Police,
Vettaikaran Iruppu Police Station,
Vedaranyam Taluk,
Nagapattinam District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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