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Crl.O.P.Nos.15203, 16726 &20561 of 2019
and Crl.M.P.Nos.7457, 7458, 8409, 8410, 10596 & 10597 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM:

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P.Nos.15203, 16726 &20561 of 2019

and

Crl.M.P.Nos.7457, 7458, 8409, 8410, 10596 & 10597 of 2019

Crl.O.P.No.15203 of 2019

Ragul

..Petitioner

Vs.

1.The State by
The Inspector of Police,
Villupuram west Police Station,
Villupuram District.
Crime No.362 of 2017

2.Lakshmanan

..Respondents

Crl.O.P.No.16726 of 2019

Tmt.Parjana

...Petitioner

Vs.

1.The State by
The Inspector of Police,
Villupuram west Police Station,
Villupuram District.
Crime No.362 of 2017



Crl.O.P.Nos.15203, 16726 &20561 of 2019
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2.Lakshmanan

..Respondents

Crl.O.P.No.20561 of 2019

1.Thangasekar
2.Santhosh
3.Thangashanmugam
4.Lakshmanan
5.Ramu

...Petitioner

Vs.

1.The State by
The Inspector of Police,
Villupuram west Police Station,
Villupuram District.
Crime No.361 of 2017

2.Rajendran

...Respondents

COMMON PRAYER: Criminal Original Petitions have been filed under Section 482 Cr.P.C. praying to quash the proceedings in C.C.Nos.249 of 2018 and 81 of 2019, on the file of the learned Judicial Magistrate No.1, Villupuram.

For Petitioners

in Crl.O.P.Nos.15203 & 16726/19 : Mr.S.Swamidoss Manoharan
in Crl.O.P.No.20561 of 2019 : Mr.C.P.Palanichamy

For R1 in all Crl.O.Ps

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

For R2



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in Crl.O.P.Nos.15203 & 16726/19 : Mr.C.P.Palanichamy

in Crl.O.P.No.20561 of 2019 : Mr.S.Swamidoss Manoharan

COMMON ORDER

The petitioners in Crl.O.P.No.20561 of 2019, who are the accused in C.C.No.249 of 2018 arising out of Crime No.361 of 2017 on the file of the Villupuram West police station, are before this Court to quash the final report on the ground that on 25.05.2017 around 7.40 p.m., a quarrel between the petitioner and the *defacto* complainant arose in connection with the blockage of sewerage canal in the village. There was physical altercation between two groups. Members of both the groups sustained injuries and went to the police station to lodge their respective complaint.

2. While the police has registered the F.I.R., in Crime No.361 of 2017 against the petitioners herein for the alleged offences under Sections 147, 294(b), 323 and 506(i) of IPC, one Lakshiman, who is the 4th petitioner in Crl.O.P.No.20561 of 2019 / 4th accused in Crime No.361 of 2017 has given a complaint against Rajendiran, Parjana and Ragul, who are the petitioners in Crl.O.P.Nos.15203 and 16726 of 2019. It is a case and case in counter. The



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counsels submitted that, in case of case and case in counter the Investigating officer ought to follow the procedure laid in Section 588 A of the Madras Police Standing Order and as per the dictum laid by the High Court in ***P.Jayapaul and others Vs. The Sub-Inspector of Police, Paramakudi Police Station*** reported in ***MANU/TN/0568/1988***.

3. It is contended by the learned counsels for the petitioners that since the alleged occurrence in both Crime Numbers are arising out of the same transaction, the investigating agency should have enquired both of them and adopted one or other of the two courses, namely to charge the case where the accused were aggressors or refer both the cases, if he has found both the complaints untrue. If which course of decision to take, found to be difficult, for the Investigating officer, he should have sought the opinion of the learned public prosecutor. In this case, contrary to Section 588 A of the Madras Police Standing Order and the Dictum of the High Court, the Investigating Officer has charge in both the cases, when the allegations in both the complaints laid form part of one and the same transaction.



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4. The perusal of the F.I.R., and the final reports in each case the occurrence leading to registration of complaint in Crime No.361 of 2017 and Crime No.362 of 2017 are arising out of same transaction, but there is clear and distinct overt act against each other and the Investigating officer in his wisdom has thought fit that the investigation in both the cases are to be conducted independently. Accordingly on completion of the investigation final report has been filed separately. This Court finds that there is no error in this prosecution. At present, both the cases taken on file by the learned Magistrate in C.C.No.249 of 2018 and C.C.No.81 of 2019.

5. Section 588 A of the Madras Police Standing Order is a Rule of convenience and any deviation in the said Rule, if it does not cause prejudice to the parties concerned, such deviation need not be a ground to quash the entire proceedings. There should not be miscarriage of justice and the parties aggrieved should be redressed. In this case, as the facts disclose there had been a free for all fight between two groups in connection with blockage of sewerage. The police has investigated both the complaints and filed two separate final report and the same has been taken on file by the learned Magistrate and both cases are pending for trial.



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6. In such circumstances, it is adequate to direct the learned Magistrate to take up both the cases and try them jointly and dispose of the same on merits within a period of 90 days from the date of receipt of the copy of this order.

7. With the above direction, these Criminal Original Petitions are disposed of. Consequently, the connected Criminal Miscellaneous Petitions are also closed.

14.06.2022

Index :Yes/No.
Internet :Yes/No.
Speaking order/Non-speaking order

rpl

To,

1. The Judicial Magistrate No.1, Villupuram.

2.The Inspector of Police,
Ammamet Police,
Salem City

2.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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