



Crl.O.P.No.30042 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30042 of 2022

and

Crl.M.P.Nos.18423 & 18424 of 2022

1.R.Palanisamy

2.Kalaiarasi

3.Thangarasu

4.Vasantha

5.Kishore

6.Vangili

...

Petitioners

Vs.

S.Sasikaran

...

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the C.M.P.No.1580A of 2020 on the file of the Judicial Magistrate Court No.II, Namakkal as far as the petitioners are concerned.

For Petitioner : Mr.C.Gunasekaran



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ORDER

This Criminal Original Petition is filed to call for the records and quash C.M.P.No.1580A of 2020, on the file of the Judicial Magistrate Court No.II, Namakkal as far as the petitioners are concerned.

2.The learned counsel for the petitioners submitted that there are cases and counter cases pending against the petitioners and the respondent. The first petitioner R.Palanisamy gave a complaint against one Subramani and Sasikumar. On the basis of this complaint, a case in Crime No.761 of 2020, for the offences under Sections 341, 294 (b) & 506 (2) IPC was registered by the Mohanur Police Station. Subsequently, on the complaint given by Sasikaran, a case in Crime No.933 of 2020 was registered against the petitioner and 7 others for the offences under Sections 120B, 147, 148, 294 (b), 447, 448, 342, 323, 324, 307 & 506 (2) IPC.

3.After investigating the case in Crime No.933 of 2020, the respondent police filed a final report stating that the complaint was given converting a civil case into a criminal case and therefore, final report was filed stating that the facts alleged suffer from mistake of facts in RCS No.37 of 2020. The



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defacto complainant Sasikaran filed a protest petition against the final report filed in Crime No.933 of 2020. That petition has been numbered and summons were sent to the respondents therein. Now, this petition is filed challenging the filing of the protest petition.

4.This Court is of the view that filing a petition for the relief of quashing the proceedings in CMP No.1580A/2020, which was taken on file by the Judicial Magistrate Court No.II, Namakkal is a premature petition. It is the legal right of the defacto complainant to file the protest petition against the final report. It is for the learned Judicial Magistrate to enquire into the final report filed and the protest petition and take an appropriate decision. Before taking such a decision, approaching this Court cannot be appreciated.

5.In view of the same, this petition is dismissed. Consequently, connected miscellaneous petitions are also closed.

06.12.2022

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



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G.CHANDRASEKHARAN, J.
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To:

- 1.The Judicial Magistrate Court No.II, Namakkal.
- 2.The Public Prosecutor,
High Court of Madras.

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