



CRL.O.P.No.29066 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.29066 of 2018

and

CrI.M.P.Nos.17007 & 17009 of 2018

M. Kaliyaperumal

... Petitioner/Accused

Versus

1.The State rep. By,
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

2.Kala

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.85 of 2018 on the file of the learned Judicial Magistrate-I, Ariyalur, Ariyalur District and quash the same.

For Petitioner : Mr.V.Kannadasan

For Respondent-1 : Mr.L.Baskaran
Government Advocate (Crl. Side)

For Respondent-2 : Mr.C.Prabakaran



CRL.O.P.No.29066 of 2018

ORDER

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This petition has been filed to call for the records in C.C.No.85 of 2018 on the file of the learned Judicial Magistrate-I, Ariyalur, Ariyalur District and quash the same.

2. Learned counsel for the petitioner submitted that in C.C.No.85 of 2018, pending on the file of the learned Judicial Magistrate-I, Ariyalur, investigation completed and charge sheet filed. In view of the same, the learned counsel seeks permission of this Court to withdraw the above Criminal Original Petition. He has also made an endorsement in the petition to that effect.

3. Learned Government Advocate (Crl. Side) appearing for the first respondent police filed a status report, wherein in Para 11 it is stated as follows:

“11. I submit that the above case was investigated and Final Report in Crime No.187 of 2018 was filed before the learned



CRL.O.P.No.29066 of 2018

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Principal Sessions Court, Ariyalur. The same was taken on file on 31.12.2018 and assigned with Spl.S.C.No.38 of 2018. It is submitted that both the cases in C.C.No.188 of 2018 and Spl.S.C.No.38 of 2018 are pending before the trial Court. It is further submitted that the accused in Spl.S.C.No.38 of 2018 filed bail petition in Crl.O.P.No.1987 of 2018 wherein this Hon'ble Court by order dated 04.06.2018 granted bail to the petitioners therein. It is submitted that the accused in C.C.No.85 of 2018 did not prefer any petition for quash challenging the Criminal proceedings pending as against them and now they are facing trial before the competent Court as on date.”

4. The learned counsel for the petitioner as well as learned counsel appearing for the second respondent/de-facto complainant submitted that this case as well as the other case in Crime No.187 of 2018, which is now pending trial in Spl.S.C.No.38 of 2018 before the Principal Sessions Judge/Special Court for SC & ST Act Cases, Ariyalur, are arise out of the same occurrence. In view of the same, Rule 588-A of the Madras Police Standing Order ought to have been followed. Since one case pertains to SC/ST Act and another case pertains to I.P.C. offence, both the investigating



CRL.O.P.No.29066 of 2018

officers are different. Hence, charge sheet in Crime No.187 of 2018 was filed before the Principal Sessions Court, Ariyalur and another case in C.C.No.85 of 2018, charge sheet was filed before the Judicial Magistrate Court No.I, Ariyalur. Since both the cases arise out of the same occurrence it would be appropriate that both the cases to be tried together by the same Judge, of course recording the evidence separately.

5. In view of the submission and endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is **dismissed as withdrawn**. Further, C.C.No.85 of 2018 pending on the file of Judicial Magistrate Court No.I, Ariyalur is transferred to the file of Principal Sessions Court, Ariyalur, to be tried along with Spl.S.C.No.38 of 2018. Consequently, connected miscellaneous petitions are closed.

17.11.2022

Index: Yes/No

Internet: Yes/No

rsi



CRL.O.P.No.29066 of 2018

To

WEB COPY

- 1.The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
- 2.The Judicial Magistrate No.I,
Ariyalur.
- 3.The Principal Sessions Judge,
Ariyalur.
- 4.The Public Prosecutor,
High Court, Madras.



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CRL.O.P.No.29066 of 2018

M.NIRMAL KUMAR, J.

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CRL.O.P.No.29066 of 2018
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17.11.2022