



Crl.O.P.(MD) No.11758 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.11758 of 2022

and

Crl.M.P(MD) No.7420 of 2022

M. Gopalakrishnan,

: Petitioner

Vs

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.
Crime.No.238 of 2016.

3. Pasumpon Muthuramalingam,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to directing the trial proceedings in S.C.No. 627 of 2017 on the file of the Learned Assistant Sessions Judge / Sub Court, Melur to be kept in abeyance until the second respondent files the final report and charge sheet in



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Crime.No.288 of 2016 on the file of the second respondent police station within the time stipulated by this Court.

For Petitioner : M/s. Lajapathi Roy.T.,
For R1 and R2 : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to stay the trial proceedings in S.C.No. 627 of 2017, on the file of the learned Assistant Sessions Judge / Sub-Court, Melur, till the filing of the final report in Crime No.288 of 2016, on the ground that in the counter case i.e., Crime.No.288 of 2016, on the file of the second respondent police has not filed final report.

2.The learned Counsel appearing for the petitioner submitted that due to previous enmity, the private respondent herein abused the petitioner with filthy language and also attacked him with stones, wooden stick and iron rod. Hence the complaint.



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3.The learned Government Advocate (Crl.Side) submitted that based on the complaint lodged by one Pasumpon Muthuramalingam against the petitioner and others, a case has been registered in Crime No.238 of 2016. In that case, after investigation, final report has been filed before the learned Judicial Magistrate Court, Melur and the same was committed to the learned Additional Sessions Judge, Melur and taken on file in S.C.No.627 of 2017, which is now pending on the file of the Assistant Sessions Judge, Sub Court, Melur. Further, he stated that another counter complaint has been lodged by the petitioner herein against the accused persons and for the same, an FIR had been registered in Crime No.288 of 2016. But, so far the respondent police has not filed final report. Hence, he seeks two months time for filing final report in Crime No.288 of 2016, before the concerned Magistrate Court.

4.Since there is a counter case in Crime No.288 of 2016, both cases have to be tried simultaneously. Therefore, further proceedings in S.C.No.627 of 2017, on the file of the learned Assistant Sessions Judge/Sub Court, Melur, is hereby, stayed till the counter case in Crime No.288 of 2016 is committed to that Court for simultaneous trial proceedings.



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5. With the above direction, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

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Internet: Yes
Index: Yes/No
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V.SIVAGNANAM, J.

lr

To

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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