



CRL.O.P (MD) No.15638 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

**CRL.O.P (MD) No.15638 of 2022
and
CrI.M.P(MD)Nos.10294 and 10295 of 2022**

1.T.Nagarajan
2.N.Amutha

...Petitioners

Vs.

1.State through
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
(Crime No.92 of 2021)

2.T.Baskaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned charge sheet in C.C.No.55 of 2022 on the file of the learned Judicial Magistrate, Aruppukkottai in Crime No.92 of 2021, dated 06.05.2021 for an alleged offence under Sections 294(b), 427, 448, 323 and 506(ii) IPC and quash the same as illegal.



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For Petitioners :Mr.T.Thirumurugan
For R1 :Mr.R.Sivakumar
Government Advocate (Crl.side)
For R2 :Mr.S.V.Nagarajan

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.55 of 2022 on the file of the learned Judicial Magistrate, Aruppukkottai in Crime No.92 of 2021, dated 06.05.2021 for an alleged offence under Sections 294(b), 427, 448, 323 and 506(ii) IPC.

2.The learned Counsel for the Petitioners already submitted his arguments, which was recorded on 05.09.2022 and the learned Government Advocate (Crl.side) has also submitted his reply arguments. On the same day, notice was issued to the second Respondent/De-Facto Complainant and the case was adjourned to 21.09.2022. From 21.09.2022, it was again adjourned today i.e on 03.11.2022.

3.Today when the case was came up for hearing, the learned Counsel for the Second Respondent/De-Facto Complainant is present and he invited



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the attention of this Court to 161 Statement of the father of the De-Facto Complainant and the Petitioners herein and also he placed reliance on the 161 Statement of Doctor, who treated the father of the De-Facto Complainant, who is a senior citizen aged about 85 years and also the learned Counsel for the second Respondent submitted that it is a case and counter.

4.The learned Government Advocate (Crl.side) submitted earlier occasion that it is a case and counter and only in this case, final report filed and counter case investigation is still pending. Today the learned Government Advocate (Crl.side) submitted that final report taken on file in this case as C.C.No.55 of 2022 and counter case taken on file as C.C.No.56 of 2022. Since it is a case and counter, this case is not a fit case as the counter case is pending before the very same learned Magistrate. Hence, he prays for dismissal of this petition.

5.In view of the submission of the made by the learned Government Advocate (Crl.side), the learned Judicial Magistrate is directed to take the case for disposal and to dispose of the case within a reasonable period of six



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months. Both the cases can be taken for trial. The regular Assistant Public Prosecutor shall appear for one of the case only. For other case, the learned Magistrate has to address the Assistant Director of Prosecutor to nominate the Assistant Public Prosecutor. Both the cases shall not be conducted for the same Public Prosecutor.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed.

03.11.2022

Index: Yes/No
vsd

To

- 1.The Judicial Magistrate,
Aruppukkottai.
- 2.The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

vsd

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