



Crl.O.P.(MD) Nos.16567 and 16647 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P (MD) Nos.16567 and 16647 of 2022

and

Crl.M.P.(MD) No.11120 and 11121 of 2022

In Crl.O.P.(MD) No.16567 of 2022

Balamurugan

...Petitioner

vs

1.The Superintendent of Police,
Pudukottai,
Pudukottai District.

2.The Deputy Superintendent of Police,
Alangudi Sub Division,
Alangudi,
Pudukkottai District.

3.The Inspector of Police
Karambakudi Police Station
Pudukottai District.
Crime No.342 of 2020

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue direction to the Respondents to complete the investigation in Crime No.342 of 2022 on the file of the third Respondent police station



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and file a final report before the concerned learned Judicial Magistrate Court within the time stipulated by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)

In Crl.O.P.(MD) No.16647 of 2022

1.Balraj

2.Muthukumar

3.Rajesh

4.Prabhakaran

5.Yogarasu

6.Muthu Perumal

...Petitioners

VS

1.The Deputy Superintendent of Police,
Alangudi Sub Division,
Alangudi,
Pudukkottai District.

2.The Inspector of Police
Karambakudi Police Station
Pudukkottai District.
Crime No.341 of 2020

3.Manoharan

...Respondents

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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned proceedings in Spl.S.C.No.30 of 2021 on the file of the learned Additional Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases, Pudukkottai and quash the same as illegal.

For Petitioners : Mr.R.Karunanidhi
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.side)
For R3 : No appearance

COMMON ORDER

Crl.O.P.(MD) No.16567 of 2022 has been filed to direct the Respondents to complete the investigation in Crime No.342 of 2022 on the file of the third Respondent and to file the final report before the Court concerned.

2.Crl.O.P.(MD) No.16647 of 2022 has been filed to quash the case in Spl.S.C.No.30 of 2021 on the file of the learned Additional Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases, Pudukkottai.



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3.It is the case of the Petitioners that there was group clash between the two groups while playing cricket. There were injuries on both the side. Both parties had filed complaints before the second Respondent, who is the third Respondent in Crl.O.P.(MD) No.16567 of 2022. The complaint preferred by the third Respondent in Crl.O.P.(MD) No.16647 of 2022 was registered and proceeded in laying of the final report, which is taken cognizance by the learned Additional Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases, Pudukkottai in Spl.S.C.No.30 of 2021, whereas the complaint preferred by the Petitioners was not taken to its logical end in the investigation.

4.As per the reported rulings of this Court, both the cases, case and counter case, had to be taken together and investigation had to be proceeded in laying of the final report before the Court concerned. It is for the Court to decide regarding who are the aggressors and who are the victim. In this case, the Petitioners' complaint was not acted upon. Therefore, the learned Counsel for the Petitioners seeks quashing of the final report laid before the learned Additional Sessions Judge (Special Court for Scheduled Caste and



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Scheduled Tribe (Prevention of Atrocities) Act Cases, Pudukkottai in
Spl.S.C.No.30 of 2021.

5.In so far as Crl.O.P.(MD) No.16567 of 2022 is concerned, the learned Government Advocate (Crl.side) for the Respondents would submit that the investigation had been completed in the complaint preferred by the Petitioner and the final report had also been laid before the Court of the learned Judicial Magistrate, Alangudi, which is not taken on file so far. The learned Judicial Magistrate, Alangudi, after perusing the case, shall take it on file.

6.In so far as Crime No.342 of 2020 is concerned, final report is pending before the learned Judicial Magistrate, Alangudi. On taking the final report on file by the learned Judicial Magistrate, Alangudi in Crime No.342 of 2022, the learned Principal District and Sessions Judge can withdraw the case and post it along with Spl.S.C.No.30 of 2021 before the learned Additional Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases, Pudukkottai, so that



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the same Judge can conduct the trial, hear the cases and dispose of the cases within the reasonable period.

7.At this stage, the learned Counsel for the Petitioners would submit that in Crl.O.P.(MD) Nos.11152 and 13597 of 2017, the then learned single Judge of this Court had quashed both the final reports stating that the police had not found out who is the real aggressor by the investigation. As per the reported ruling of this Court, the Police Standing Order is not binding on the Court. It is for the Court to decide who is the aggressor and who is the victim. Therefore, the judgment relied by the learned Counsel for the Petitioners is found to be conflict to the earlier decision of this Court regarding the case and counter case.

8.In the case and counter case, instead of following the Police Standing Orders, as per the judgment of this Court, the Investigation Officer has to conduct a fair investigation and lay both the Charge Sheets in the Court concerned. It is for the Court to decide who is the aggressor and who is the victim based on the appreciation of evidence before the trial Court.



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9.In this case, the submission of the learned Government Advocate (Crl.side) is that one of the case while registering the offences of SC/ST Act was invoked. Therefore, it was investigated by the Deputy Superintendent of Police, whereas in the other case, there was no such offence. Therefore, it was investigated by the Inspector of Police. The case investigated by the Deputy Superintendent of Police ended up in laying of the final report before the Special Court, which was numbered as Spl.S.C.No.30 of 2021, whereas the counter case was investigated by the Inspector of Police, Karambakudi Police Station, in which final report was laid before the learned Judicial Magistrate, Alangudi, but had not been taken on file. In the light of the reported ruling of this Court, there is no fault in laying of the two final reports. It is for the same Court to conduct the fair trial.

10.In the light of the above, this Court directs the learned Principal District and Sessions Judge, Pudukottai, to withdraw the final report after taking cognizance by the learned Judicial Magistrate, Alangudi in Crime No.342 of 2022 and to post the same before the learned Additional Sessions Judge (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases, Pudukkottai as stated above, so that the case and



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counter case can be tried by the same Judge and disposed of. In the due course of trial, it is for the Judge concerned to decide who is the aggressor and who is the victim.

11. With the above directions, these Criminal Original Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

Internet: Yes/No
Index: Yes/No
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17.10.2022

To

1. The Additional Sessions Judge
(Special Court for SC/ST
(Prevention of Atrocities) Act Cases, Pudukkottai.
2. The Principal District and Sessions Judge,
Pudukkottai.
3. The Judicial Magistrate,
Alangudi.
4. The Superintendent of Police,
Pudukkottai,
Pudukkottai District.



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5. The Deputy Superintendent of Police,
Alangudi Sub Division,
Alangudi,
Pudukkottai District.
6. The Inspector of Police
Karambakudi Police Station
Pudukkottai District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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