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Crl OP No. 5431 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 5431 of 2021
and
Crl.M.P. Nos. 3513 & 3514 of 2021

1. E. Sundaram

2. Prem @ Premkumar

... Petitioners

Versus

1. The State rep., by,
Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.
(Crime No. 123 of 2015)

2. G. Krishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C. No. 206 of 2017 on the file of the Judicial Magistrate Court, Vandavasi and quash the same.

For Petitioners : Mr. R. Thirumoorthy.

For Respondents : Mr. A. Damodaran,
Additional Public Prosecutor for R1.

R2 – party appeared.



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ORDER

The petition is to quash the C.C. No. 206 of 2017 pending on the file of the learned Judicial Magistrate, Vandavasi for the alleged offence under Sections 294 (b), 323, 324 and 506(i) of the Indian Penal Code.

2.The allegation is that the petitioners and the defacto complainant are closely related to each other and owned adjacent agricultural lands. On account of a dispute with regard to cutting of trees, the alleged occurrence took place wherein the petitioners are said to have attacked the defacto complainant.

3. The learned counsel for the petitioners submitted that in respect of the same occurrence, the first petitioner had given a complaint against the defacto complainant in Crime No. 124 of 2015 which has been culminated into C.C. No. 204 of 2017. The learned counsel further submitted that the respondent Police has filed two final reports giving contrary versions in respect of the same incident. Hence, the learned counsel prayed for quashing of the impugned final report.



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4. Notice was served on the second respondent and he has appeared in person. The second respondent has stated that they have arrived at a compromise and the dispute between him and the petitioners has now been settled and prayed for quashing of both the final reports. The respondent Police has identified the second respondent.

5. The learned Additional Public Prosecutor appearing for the first respondent also confirmed that the case filed by the defacto complainant which is culminated in to C.C. No. 204 of 2017 is pending before the Judicial Magistrate, Vandavasi.

6. This Court finds on hearing the submissions of the learned counsel for the petitioners and the learned Additional Public Prosecutor that in respect of the same occurrence, two final reports have been filed. One is impugned in this petition and the other is pending in C.C. No. 204 of 2017. The final reports show that the versions are contrary to each other. This Court is of the view that there cannot be two contrary versions in respect of the same incident. In a case and counter case, it is a matter of common sense that either of the version has to be true or both



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the versions have to be false. Both the versions cannot be true and final reports projecting both the versions as true cannot be sustained.

7. Further more, this Court finds that the second respondent and the petitioners have also arrived at a compromise and hence, no useful purpose will be served in keeping the proceedings pending for adjudication. Hence, this Court is inclined to quash the impugned final report and also the final report in which the defacto complainant is an accused.

8. Accordingly, this Criminal Original Petition is allowed by quashing the C.C. No. 206 of 2017 and the C.C. No. 204 of 2017 in Crime No. 124 of 2015 on the file of the Judicial Magistrate Court, Vandavasi. Consequently, the connected miscellaneous petitions are closed.

06.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

1. The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.
2. The Judicial Magistrate,
Vandavasi.
3. The Additional Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J

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