



CrI.O.P.No.18340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18340 of 2023

and

CrI.M.P.Nos.12203 & 12208 of 2023

- 1.C.Kailasam @ Kandhasamy
- 2.V.K.Mani
- 3.M.Angammal
- 4.C.Balachandran
- 5.VST.Sekar
- 6.K.Elamurugan

...Petitioner

vs.

- 1.State rep by
The Deputy Superintendent of Police,
DCB, Namakkal.

- 2.M.Geetha,
The Registrar,
Namakkal Joint-1,
Namakkal District.

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings passed in CC.No.741 of 2020 on the file of the Judicial Magistrate No.I, Namakkal and quash the same.



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For Petitioner : Mr.T.Ramasamy
For Respondent : Mr.A.Gopinath,
Government Advocate, for R1

ORDER

This criminal original petition has been filed to quash the proceedings in CC.No.741 of 2020 on the file of the Judicial Magistrate No.I, Namakkal.

2. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

3. It is brought to the notice of this Court that initially a complaint was given in the year 2012 in Crime No.1 of 2012 and the same ended in filing final report before the Land Grabbing Court, Namakkal. It was taken on file in CC.No.19 of 2018. Subsequently, yet another complaint came to be given in Crime No.2 of 2018 and the same resulted in filing final report before the learned Judicial Magistrate No.I, Namakkal, which was taken on file in CC.No.156 of 2020. It is brought to the notice of this Court that a final report has been filed as against 12 accused persons and the petitioners are also arrayed as accused in this case. That apart, there was yet another FIR registered in Crime No.3 of 2020 and the same ended in filing final report before the learned



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Judicial Magistrate No.I, Namakkal and it was taken on file in CC.No.741 of 2020. The same is the subject matter of challenge in this criminal original petition.

4. The learned counsel for the petitioner submitted that the allegations made in Crime No.2 of 2018 and 3 of 2020 are almost similar and hence, the proceedings in CC.No.741 of 2020 has to be quashed. The other two proceedings can be directed to be taken up together and tried by the same Court.

5. Taking into consideration the facts and circumstances of the case, it will be more appropriate if all the three cases are tried by the same Court. Whether a joint trial is going to be conducted or simultaneous trial is going to be conducted is a matter to be decided by the learned Judicial Magistrate No.I, Namakkal considering the facts of the case.

6. In view of the above, this criminal original petition is disposed of in the following terms.

a) The proceedings in CC.No.19 of 2018 pending on the file of the Land Grabbing Court, Namakkal shall stand transferred to the file of the learned Judicial Magistrate No.I,



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Namakkal to be tried along with CC.No.156 of 2020 and 741 of 2020;

b) The learned Judicial Magistrate No.I, Namakkal, shall take a decision as to whether a joint trial is going to be conducted or a simultaneous trial is going to be conducted in these three cases;

c) It is left open to the petitioner to raise all the grounds before the trial Court and the same will be considered on its own merits and in accordance with law; and

d) The proceedings shall be completed by the learned Judicial Magistrate No.I, Namakkal, within a period of one year from the date of receipt of copy of this order.

Consequently, the connected miscellaneous petitions are closed.

16.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

- 1.The Judicial Magistrate No.I, Namakkal
- 2.The Deputy Superintendent of Police, DCB, Namakkal.
DCB, Namakkal.Judicial Magistrate No.I, Namakkal



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N. ANAND VENKATESH, J.

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