



CrI.O.P.No.9215 of 2022
and CrI.M.P.No.5373 and 5374 of 2022

WEB COPY

M.NIRMAL KUMAR, J.

Today, this case is listed under the caption " For being mentioned".

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioners submitted that in this petition, he has wrongly typed the charge sheets numbers as C.C.Nos.80 and 82 of 2020 instead of C.C.Nos.80 and 82 of 2021.

3. On verification, the learned Additional Public Prosecutor appearing for the respondent police submitted that C.C.Nos.80 and 82 2021 is the correct number and both the cases are pending before the learned Judicial Magistrate No.II, Coimbatore.

4. In view of the above submission, the registry is directed to rectify the said error and also issue fresh order copy to the parties.

01.09.2023

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Note: Registry is directed to carryout the Amendment in prayer, EB and wherever year of CC number differs.

M.NIRMAL KUMAR, J

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Crl.O.P.No.9215 of 2022
and
Crl.M.P.No.5373 and 5374 of 2022

01.09.2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.9215 of 2022 and
CrI.M.P.Nos.5373 & 5374 of 2022

1.G.Selvakumar
2.S.Chellameena

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Peelamedu Police Station,
Coimbatore City,
Coimbatore.

2.Chinnasamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings/charge sheet in C.C.No.82/2020 pending on the file of the Judicial Magistrate No.II, Coimbatore.

For Petitioners : Mr.D.Ashok Kumar
For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.82 of 2020 pending on the file of the Judicial



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Magistrate Court No.II, Coimbatore, for offence under Sections 323 & 336 of IPC and Section 75(1)(c) of the Tamil Nadu City Police Act, 1888.

2.The case against the petitioners is that on 13.11.2019, a Surveyor from the Corporation of Coimbatore had gone to the house of the petitioners and conducted survey on the disputed property and wrongly earmarked the area against the documents which was questioned by the petitioners. The Surveyor was brought by the defacto complainant/2nd respondent, hence, there was a quarrel and scuffle between the petitioners and the 2nd respondent and his son Gopalakrishnan. Due to which, a case and counter case came to be registered in Crime Nos.1412 & 1413 of 2019 on the file of the 1st respondent Police. On the complaint of the 2nd respondent/defacto complainant herein, a case in Crime No.1413 of 2019 registered against the petitioners, which ensued into charge sheet in C.C.No.82 of 2020, which is under challenge.

3.Learned counsel for the petitioners submitted that the 1st petitioner is a Senior Reporter in Special Branch Crime Investigation Department, Coimbatore and he has been falsely implicated in this case



WEB COURT

along with his wife/2nd petitioner. It was the 2nd respondent, who is an aggressor, who abused and assaulted the 2nd petitioner/wife of the 1st petitioner. The 1st petitioner only intervened to save his wife/2nd petitioner from the 2nd respondent and his son, who are LW1 and LW2 in this case. Learned counsel further submitted that he has got fairly a good case in his favour. Due to pendency of the above case, the 1st petitioner was denied two promotions and within eleven months, he is going to retire from the service. The pendency of the above case would be looked against him and he would not be permitted to retire and his terminal benefits would be blocked. Without prejudice to his rights, learned counsel for the petitioner now seeks to withdraw this Criminal Original Petition, with a direction to the trial Court to complete the trial in C.C.No.82 of 2020 as well as counter case in C.C.No.80 of 2020, where the 1st petitioner is the defacto complainant and the defacto complainant herein and his son namely Chinnasamy and Gopalakrishnan are A1 and A2. Since both the cases are pending in the same Court, that is, Judicial Magistrate Court No.II, Coimbatore, the same to be conducted simultaneously, that to within a stipulated period, so that the 1st petitioner's obstacle in his service can be removed.



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4.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that on the complaint of the 1st petitioner, FIR in Crime No.1412 of 2019 has been registered against the defacto complainant and his son which is pending in C.C.No.80 of 2020. Now, both the cases are before the same Court and only limited witnesses is there, hence, the trial can be completed within a short period. He further submitted that the prosecution will produce the witnesses in both cases without any delay and he has got no objection for both the cases to be completed within stipulated period.

5.Considering the submissions and on perusal of the materials, it is seen that in C.C.No.82 of 2020, there are totally 14 witnesses and in counter case (C.C.No.80 of 2020) similar number of witnesses are listed. In any event, the trial can be completed within a period of six months.

6.Thus, finding that there are only limited witnesses in C.C.Nos.80 & 82 of 2020 and trial has to be conducted by same Judge, the trial Court is directed to conduct separate trials and dispose of both the cases one by



one simultaneously and not influenced by the evidence of other case and each case has to be disposed of on its own merits. This exercise to be done within a period of four months not later than six months.

7. In the result, this Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

20.06.2023

Index: Yes/No
Internet: Yes/No
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To

1. The Judicial Magistrate Court No.II,
Coimbatore.
2. The Inspector of Police,
Peelamedu Police Station,
Coimbatore City,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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