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Crl OP No.8918 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8918 of 2021

and

Crl.M.P.No.5804 of 2021

1. Vadivel

2. Jhansi Rani @ Shangi ... Petitioners / A5 & A6

Versus

1.Ravi

2.Baby Pugazhandi

3.Sharmila

4.Suresh ... Respondents / Complainants

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.30 of 2021 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District and to quash the same.

For Petitioners : Mr. T. R. Ravi

For Respondents : Mr. P. Paul Selvam



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ORDER

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This Criminal Original Petition has been filed seeking to quash the impugned proceedings in C.C.No.30 of 2021 on the file of the Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District, filed for the alleged offences under Sections 306 & 420 IPC.

2.It is alleged in the complaint that the deceased one Dayalan had given a sum of Rs.12,50,000/- to the accused herein and since they did not repay the said amount, the deceased committed suicide by falling before the running train. The learned Additional District Munsif cum Judicial Magistrate, Ambur, took cognizance for the offence under Section 420 IPC.

3.The learned counsel for the petitioners would submit that in respect of the same occurrence, the Inspector, Jolarpet Railway Police Station, took up the investigation and initially registered it under Section 174 Cr.P.C and thereafter, the offence was altered to Section 306 IPC. Therefore, since the investigation is pending in respect of same occurrence under Section 306 IPC, the impugned proceedings cannot be sustained.



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4.The learned counsel for the complainants submitted that though the complaint was registered in Crime No.95 of 2020 under Section 174 Cr.P.C, the Inspector, Jolarpet Railway Police Station, did not take any action. Hence, he was compelled to file the impugned complaint. The learned counsel further submitted that, in view of the fact that the Inspector, Jolarpet Railway Police Station, has now altered the offence under Section 306 IPC, they may expedite the investigation and file a final report at the earliest.

5.The learned counsel for the petitioners submitted that since investigation is pending, the complaint may not be maintainable.

6.This Court directed the Additional Public Prosecutor to verify as to the present stage of Crime No.95 of 2020 and the learned learned Additional Public Prosecutor verified and submitted that the FIR in Crime No.95 of 2020 is still pending for investigation.

7.Recording the submissions made on either side, this Court is of the view that, since investigation is now pending before the Inspector, Jolarpet Railway Police Station in Crime No.95 of 2020, the impugned



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complaint in C.C.No.30 of 2021 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur, in respect of the same occurrence is not sustainable and the same is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

8.However, in the interest of justice, this Court directs the Inspector, Jolarpet Railway Police Station, to expedite the investigation in Crime No.95 of 2020 under the supervision of Deputy Superintendent of Railway Police, Salem Railway Sub-Division, and file a final report within a period of three months from the date of receipt of a copy of this order.

9.The Registry is directed to mark a copy of this order to the Inspector, Jolarpet Railway Police Station and the Deputy Superintendent of Railway Police, Salem Railway Sub-Division.

16.06.2023

smv

Index: Yes/No



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Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No

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To

- 1.The Inspector,
Jolarpet Railway Police Station.
Jolarpet.
- 2.The Deputy Superintendent of Railway Police,
Salem Railway Sub-Division.
- 3.The Additional District Munsif cum Judicial Magistrate, Ambur.
- 4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J

smv

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