



WEB COPY



Crl.O.P.No.30909 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.30909 of 2022

A.Rajagopal

... Petitioner

Vs.

1.M.Kannan
2.M.Sekar
3.M.S.Chandramohan
4.M.S.Sasikumar
5.V.Mahalingam
6.V.T.Selvam
7.R.Sreedhar
8.K.Rajinikanth
9.G.Raja @ Umapathi
10.Kathiravan
11.Ganapathi
12.Kavitha

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in C.C.No.71 of 2022 pending on the file of the Judicial Magistrate-III, Cuddalore and quash the same.

For Petitioner : Mr.G.Senthil Kumar

For Respondents : Mr.S.Saravanakumar



ORDER

This Criminal Original Petition is filed to quash the private complaint instituted under Sections 147, 148 and 506(i) IPC between two groups among the members of Vishwakarma Mahajana Sangam at Thiruppadiripuliyur, Cuddalore District, who are at loggerheads and they have given a complaint to the respondent police for the alleged incident occurred on 18.10.2020 during the meeting held in a closed hall.

2. It is alleged that the complaint given by Kannan not taken up for investigation in spite of sending the complaint through registered post to the Superintendent of Police and hence registered under Section 200 Cr.P.C., to the Judicial Magistrate-III, Cuddalore in C.C.No. 71 of 2022 and same is pending.

3. The learned counsel appearing for the petitioner Rajagopal who is the 4th respondent in a private complaint submitted that the complaint to the Superintendent of Police and the content in the private complaint clearly show the embellishment and exaggeration. Even without medical certificate for the alleged injury, the trial Court had taken cognizance of the case.



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4. The learned counsel appearing for the complainant who is the 1st respondent herein submitted that the trial Court has taken cognizance only for offence under Sections 147, 148 and 506(i) IPC. Since the police has not acted upon their complaint, the private complaint has been filed and there is no ground to act.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the complaint given by Raja about the incident occurred on the day during the meeting of the Sangam is under investigation.

6. This Court is of the view that though the private complaint taken cognizance for the offence under Sections 147, 148 and 506(i) IPC is based on material filed by the complainant and hence cannot be quashed. At the same time, the complaint of Raja which is not yet been properly investigated so far in Crime No.624 of 2021 is bound to be investigated in the manner known to law. Hence this Court directing the respondent police



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Dr.G.JAYACHANDRAN, J.

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to complete the investigation in Crime No.624 of 2021 and file final report within a period of 45 days.

7. With this direction, this Criminal Original Petition is disposed of.

20.11.2023

Neutral Citation : Yes/No
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To

The Judicial Magistrate-III, Cuddalore.

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