



Crl.O.P.No.22607 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN,

Crl.O.P.No.22607 of 2023

and

Crl.M.P.Nos.15812 & 15813 of 2023

1. Nijanthan

2. Paulraj

3. Tamilselvi

4. Muthukumar

... Petitioners

/vs/

1. State of Tamil Nadu,
rep. By Inspector of Police.
Velampalayam Police Station,
Tiruppur City
Crime No.22 of 2021

2. Sarvamalai

... Respondents

Prayer : Criminal Original Petition has been filed under section 482 of Cr.P.C. to call for the records in C.C.No.426 of 2022 on the file of the learned Judicial Magistrate-III, Tiruppur and quash the same as the continuance of same would amount to abuse of process of court.



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For petitioner ... Mr. Balaji Sankara Moorthy
For respondents ... S. Udaya Kumar
Government Advocate (crl.side)
for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC No.426 of 2022 on the file of the Judicial Magistrate III, Tiruppur.

2. The petitioners herein seek to quash the final report, which was taken on file by the Judicial Magistrate III, Tiruppur in C.C.No.426 of 2022 alleging that there is gross violation of Police Standing Order 595 and there is a case and counter. The Investigation Officer ought to have examined both the cases and file one final report against the aggressor. Contrarily, the first complaint given by the petitioner herein on 08.01.2021 registered in Crime No.19 of 2021 be ignored and the subsequent complaint given by the aggressor on 09.01.2021 registered in Crime No.22 of 2021 has culminated in final report and taken cognizance by the Court in CC.No.426 of 2022.

3. The learned Government Advocate submitted that the facts as submitted by the learned counsel are not correct. The first incident, which



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took place at 8.45 p.m is the subject matter in Crime No.19 of 2021 and the second occurrence took place at 10.45 a.m is subject matter of Crime No.22 of 2021. Both the cases were investigated and separate final report filed in Crime No.19 of 2021 and taken on file in C.C.No.425 of 2022 and Crime No.22 of 2021 taken on file in Crime No.426 of 2022 and both the cases are ripe for trial.

4. Considering this fact, this Court finds no merit in the petition to quash the C.C.No.426 of 2022. Further, since the incident continues to the chain action between two groups occurred on the same day the witnesses would be most common and joint trial will be more appropriate . Hence, the Trial Court is directed to conduct joint trial in both the cases and pass appropriate orders.

5. The learned counsel appearing for the petitioners seek dispensed with the personal appearance of the third petitioner, who is lady, aged 52 years.

6. It is open to the third petitioner to file Section 205 Cr.P.C petition before the Trial Court and seeks permission to be represented through



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counsel and if any such petition is filed, the Trial Court shall consider it in accordance with law and pass appropriate order.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet: Yes/No
mrp

04.10.2023

To

The Judicial Magistrate-III,
Tiruppur



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G.JAYACHANDRAN, J.

mrp

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