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Crl.O.P.No.22821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22821 of 2023

Jemini

... Petitioner

Vs.

1. State Rep.by,
The Inspector of Police,
Vaazhapadi Police Station,
Salem District.
Crime No.330 of 2022.

2. Palanisamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for records relating to the S.C.No.156 of 2023 on the file of the learned Chief Judicial Magistrate, Salem and quash the same.

For Petitioner : Mr.C.Ramkumar

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



ORDER

Petitioner herein seeks quashing of the final report which was taken

on file by the learned Chief Judicial Magistrate, Salem in S.C.No.156 of 2023 on the ground that, in connection with the property dispute, there was quarrel between two groups and both have given complaint before the respondent police, which was registered in Crime No.330 of 2022 and Crime No.331 of 2022. In the complaint given by the petitioner as against the 2nd respondent, police completed investigation and filed final report. Whereas, in the complaint given by them in Crime No.331 of 2022, police has not investigated. It is a case and case in counter and both has to be tried together and failure of the police not investigating the complaint in Crime No.331 of 2022 had caused prejudice.

2. The learned Government Advocate (Crl. Side) submitted that, police has completed investigation in Crime No.331 of 2022 and filed final report on 09.12.2022 on the file of the learned District Munsif Cum Judicial Magistrate, Vazhapadi and the same has not been taken on file by the learned Magistrate.



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3. Considering the fact that, both the case arising out of transaction alleged to have occurred on 25.10.2022 at about 6 hrs, it is appropriate to try both the case by one and same Judge. Learned District Munsif Cum Judicial Magistrate is directed to take the final report in Crime No.331 of 2022 on file after getting appropriate instructions from the learned Chief Judicial Magistrate, Salem. Learned Chief Judicial Magistrate, Salem is directed to pass orders for conducting both the case by same Judge.

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

06.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

Sma

To:

1. The Inspector of Police,
Vaazhapadi Police Station,
Salem District.
2. The Public Prosecutor,
Madras High Court.

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