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Crl.O.P.No.24691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24691 of 2023
and
Crl.M.P.Nos.17178 & 17180 of 2023

1. Neduchezhiyan
2. Maranathan
3. Aasi @ Johnnacks

... Petitioners

Vs.

1. The Inspector of Police,
S9, Palavanthangal Police Station,
Chennai.
Crime No.190 of 2018.

2. Thangadurai

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in connection with charge sheet in C.C.No.371 of 2018 on the file of the learned Judicial Magistrate No.I, Alandur and quash the same.

For Petitioner : Mr.S.Saravana Kumar

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



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ORDER

Petition to quash the case pending in C.C.No.371 of 2018 on the file of the learned Judicial Magistrate No.I, Alandur.

2. The learned counsel for the petitioner submitted that, due to dispute regarding parking the two-wheeler in front of a Church, two groups clashed and infact, petitioner is a victim in that case, but police has registered case against him also and the same is taken on file by the learned Judicial Magistrate No.I, Alandur in C.C.No.371 of 2018. Whereas, the Investigation Agency has not followed the Police Standing Order 558 in respect of the counter complaint.

3. The learned Government Advocate (Crl. Side) submitted that, it is a case and case in counter. Both the case were investigated and found that both group had engaged in fight free for all using weapons and caused injuries to each other. Based on the complaint lodged by the second



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respondent, FIR in Crime No.190 of 2018 has been registered and it has culminated in filing final report and the same is pending before the learned Judicial Magistrate No.I, Alandur in C.C.No.371 of 2018. So far eight witnesses examined. Counter case has been taken on file in C.C.No.257 of 2019, since both parties are aggressor, prosecution has rightly filed two final report. In the said circumstances, appreciation of witnesses based on the statement under Section 161 of Cr.P.C., is unwarranted. Thus, this Court is not inclined to entertain this petition.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions re closed.

07.11.2023

Index : Yes/No
Neutral Citation : Yes/No
Sma

To

1. Judicial Magistrate No.I,
Alandur.
2. The Inspector of Police,
S9, Palavanthangal Police Station,

3/4



Chennai.

3. The Public Prosecutor,
Madras High Court.

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Dr.G.JAYACHANDRAN,J.

Sma

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