



Crl.O.P.Nos.31821 & 31883 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.31821 & 31883 of 2022

and

Crl.M.P.Nos.19525 & 19577 of 2022

- 1.Sakthi
- 2.Chitra
- 3.Mugesh
- 4.Arivalagan
- 5.Ramu

... Petitioner in both Crl.O.P's

... Petitioners in Crl.O.P.No.31883/2022

Vs.

- 1.The State, represented by
The Sub Inspector of Police,
Thittagudi Police Station,
Cuddalore District.
(Crime No.519 of 2022)

... Respondent in both Crl.O.P's

- 2.Vijayalakshmi

... Respondent in Crl.O.P.No.31821/2022

- 3.Visalakshi

... Respondent in Crl.O.P.No.31883/2022

COMMON PRAYER: Criminal Original Petitions filed under Section 482
Cr.P.C. praying to call for the records in Crime Nos.514 & 519 of 2022



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respectively on the file of the Sub Inspector of Police, Thittagudi Police Station, the first respondent and quash the same.

For Petitioner in both Crl.O.Ps' : Mr.M.Velmurugan

For Respondents in both Crl.O.Ps' : Mr.S.Santhosh for R1,
Government Advocate (crl.side)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the FIRs in Crime Nos.514 & 519 of 2022 respectively on the file of the first respondent police.

2. The learned counsel for the petitioners submitted that for the same occurrence, two FIRs have been registered against the petitioners. It is not permissible under law. Hence, the present petitions have been filed to quash the FIRs in Crime No.514 & 519 of 2022.

3. The learned Government Advocate (crl.side) appearing for the first respondent submitted that it is not the case of registration of two FIRs for same occurrence. There were two incidents, resulting in registration of two FIRs and they are pending investigation.



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4. Heard learned counsel for the petitioners and the learned Government Advocate (crl.side) for the first respondent.

5. A perusal of FIR in Crime No.519 of 2022 dated 23.11.2022, shows that this case was registered for the offence under Section 454 and 380 of IPC. The allegations made in the FIR in brief are that; on 08.11.2022 at about 2 pm, the accused Sakthi/first petitioner entered into house of one Vijayalakshmi from the rear side entry. When she saw him, shouted and sent him out of the house. Thereafter, she went to graze cattle. When she came back to home, she found that her bureau was open and her gold jewels were missing. She asked the first petitioner and he denied the same. When she enquired the neighbours, it was informed that the first petitioner had entered into her house and one Vetri was standing on the road and both had taken the jewels. Therefore, she gave a complaint against the them. Hence, this case came to be registered.

6. The allegations made in the other FIR in Crime No.514 of 2022 show that this case was registered for the offences under Sections 147, 341, 294(b), 323, 324, 355, 506(2) of IPC and Section 4 of Tamil Nadu prohibition of



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Harassment of Women Act, 2002 on 14.11.2022. A reading of FIR shows that after registration of the case for missing of jewels and when the matter was pending enquiry, the accused in Crime No.519 of 2022 formed an unlawful assembly and abused the defacto complainant using filthy language and also made criminal intimidation. Further, the accused had assaulted the defacto complainant and caused injuries. Therefore, this case came to be registered.

7. Reading of allegations made in both the FIRs shows that both the cases are registered for different occurrences i.e., one case is for theft of jewels and other case is for other criminal acts. Therefore, the claim made by the learned counsel for the petitioners that two FIRs have been registered for the same occurrence is not correct.

8. Considering the fact that investigation is at the nascent stage and the allegations make out cognizable offences as against the petitioners and it requires proper investigation by the respondent police, this Court is not inclined to quash the FIRs in Crime Nos.519 & 514 of 2022 on the file of the first respondent police.



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9. Accordingly, these Criminal Original Petitions stand dismissed.

Consequently, connected Criminal Miscellaneous Petitions are closed.

02.01.2023

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

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To

1. The Sub Inspector of Police,
Thittagudi Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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