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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21/06/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.3224 of 2023
and
Cr1.MP(MD)No.2953 of 2023

Jawahar : Petitioner/Sole Accused

Vs.

1.State, rep.

The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District,
(Crime No.363 of 2020

: R1/Complainant

2.Sarojini

: R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet to CC No.32 of 2022 pending on the file of the Judicial Magistrate No.II, Sattur and quash the same and pass such further or other orders.



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For Petitioner : Mr.P.Saravanakumar
For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)
For 2nd Respondent : No appearance

O R D E R

This criminal original petition has been filed seeking quashment of the case in CC No.32 of 2022 on the file of the Judicial Magistrate No.II, Sattur.

2.The case of the prosecution in brief:-

On 08/10/2020 at about 10.30 am, the de-facto complainant along with his family members were in the house, the accused Jawahar came to the house, picked up quarrel, abused her in filthy language and asked her son to get out of the village, caused assault with hands. In the above said occurrence, the de-facto complainant fell down and sustained injuries on various parts of the body. He also caused criminal intimidation. On the basis of the above said occurrence, a case in Crime No.363 of 2020 was registered for the offences under sections 294(b), 323, 5069ii) IPC and section 4 of the Tamil Nadu



Prohibition of Harassment of Woman Act. After completing the formalities of investigation, charge sheet was filed and it was taken cognizance in CC No.32 of 2022 by the Judicial Magistrate No.II, Sattur.

3. Seeking quashment of the same, this petition has been filed on the ground that it is a case and counter and in the counter case, that was alleged to have given by the de-facto complainant, he admitted the guilt and paid the fine amount also.

4. Heard both sides.

5. A simple point has been raised, as mentioned above, it is a case and counter. On the basis of the complaint given both sides, case has been registered and after completing the investigation, in both the matters, final reports have been filed against the parties and the counter parties for the offence under sections 294(b), 323 and 506(i) IPC and the second respondent herein and other accused were charge sheeted for the offence under sections 294(b) and 324 IPC.



6. When we read the charges in both the cases, it is seen that on 08/10/2020 at about 09.45 am and 10.30 am, trouble has arisen between two groups of people over a petty issue. They indulged in causing assault against each other either with hands or with iron rod. Both sides sustained injuries. On the basis of the above said occurrence, both sides lodged a complaint and counter complaint. In the complaint, given by this petitioner group a case in Crime No.364 of 2020 was registered against one Rajkumar, Akash and Dinesh, charging them for the offences under sections 294(b) and 324 IPC. All of them appeared before the trial court, admitted their guilt and paid amount also. Judgment was rendered, on 09/07/2021.

7. It is seen that the police has not properly followed the procedure set out in PSO-588A, by investigating the complaint and counter complaint. Apart from that, the counter party also admitted their guilt. So, they must be regarded as 'aggressors'. On that sole ground, this petition is liable to be allowed.



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8. In the result, this criminal original petition is **allowed**. The case in CC No.32 of 2022 on the file of the Judicial Magistrate No.II, Sattur is hereby quashed as against the petitioner. Consequently, connected Miscellaneous Petition is closed.

21/06/2023

Index:Yes/No

Internet:Yes/No

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To,

1.The Judicial Magistrate No.II,
Sattur.

2.The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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