



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13/06/2023

CORAM

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

Cr1.OP(MD)Nos.2429 of 2023 and 23161 of 2022
and
Cr1.MP(MD)No.16431 of 2023

(1)Cr1.OP(MD)No.2429 of 2023:-

Manikanda Rajaprabhu : Petitioner/A2

Vs.

1.The State rep. by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.481 of 2020) : R1/Respondent

2.Vinothini : R2/De-facto Complainant

3.Balamurugan

4.Vasuki : R3 and R4/Victim

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records pertaining to CC No.26 of 2022 on the file of the Judicial Magistrate, Mudukulathur, Ramanathapuram District and quash the same as far as this petitioner is concerned and pass such any or other orders.



WEB COPY



2

For Petitioner : Mr.R.L.Dhilipan Pandian
For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor
For 2nd Respondent : Mr.M.S.Jeya Karthik
For R3 and R4 : No appearance

(2)Cr1.OP(MD)No.23161 of 2022:-

Suriya Kumar : Petitioner/A3

Vs.

- 1.The State rep. by its
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.480 of 2020) : R1/Respondent
- 2.Nagarajan : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records in relating to impugned charge sheet in CC No.119 of 2021 on the file of the Judicial Magistrate, Mudukulathur and to quash the same in so far as the petitioner is concerned and to pass such or other orders.

For Petitioner : Mr.M.S.Jeya Karthik
For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor
For 2nd Respondent : Mr.R.L.Dhilipan Pandian

**COMMON ORDER**

WEB COPY

These criminal original petitions have been filed seeking quashment of the case in CC Nos.26 of 2022 and 119 of 2021 on the file file of the Judicial Magistrate, Mudukulathur.

2.The fact in brief in Crime No.481 of 2022 (Cr1.OP (MD) No.2429 of 2023)

The de-facto complainant namely Vinothini, who is the second respondent herein filed a complaint stating that land dispute exists between their family and the accused family. On 26/06/2020 at about 09.00 am, when she was in the house along with her sick father, all the accused persons came to her house, abused her father in filthy language and A2 caused assault to her father with deadly weapons and causing injury. When that was intervened by Vasuki, A1-Nagaraj caused assault to Vasuki with iron rod. A3-Manimegalai caused injury with wooden log, A2-Manikandarabhu kicked Vasuki's head to a wall. When other relatives intervened, all the accused persons fled away from that place making criminal intimidation. Over the above said occurrence, a case in Crime No.481 of



2020 was registered for the offences under sections 294(b), 323, 324 IPC and section 4 of Tamil Nadu Prohibition of Harassment of women Act, 2002. After completing the investigation, final report was filed and it was taken cognizance in CC No.26 of 2022 by the Judicial Magistrate, Mudukulathur, Ramanathapuram District.

3.The facts in brief in Crime No.460 of 2020 (Cr1.OP(MD)No.23161 of 2022):-

The de-facto complainant Nagarajan lodged a complaint stating the his wife have two brothers namely Balamurugan and Senthilvel. There was a partition between them over the ancestral property. After that, they were living separately, by constructing separate houses. Another brother namely Kalaikanthan died some two months prior to the occurrence. He had no children and legal heirs. Fearing that the above said property will be settled in favour of his wife namely Manimekalai, Sakthivel and others were making trouble. On 26/08/2020, at about 09.00 am, they intercepted him, caused assault, others abused in filthy language and he was also beaten



by Sakthivel. On the basis of the above said occurrence, a case in Crime No.480 of 2020 was registered for the offences under sections 294(b) and 324 IPC. After completing the investigation, final report was filed and it was taken cognizance in CC No.119 of 2021 by the Judicial Magistrate, Mudukulathur.

4. Seeking quashment of both cases, these petitions have been filed by the parties.

5. Heard both sides.

5.A joint compromise memo has also filed by both the counsels. But the plea of both parties is, they are not pressing the joint compromise memo. So, this court is inclined to decide the case on merits, since proper procedure as set out in PS0588-A was not followed by the Investigating officer, while investigating the case and counter.

6. Without going into the merits of the case, as rightly from both cases, it is seen that it is a clear case of case and counter, but the Investigating Officer



6

has not taken into account the procedure as set out in PS0588-A. He ought to have found out, who are the aggressors. But without even referring to the counter case, he completed the investigation, in both the cases and filed the final reports. It is not legally sustainable as it is settled proposition of law as confirmed in many cases. One among case cited by the learned counsel appearing for the petitioner is the order of this court passed in Cr1.OP(MD)No.11152 and 13597 of 2017, dated 24/10/2019. On the score, both the criminal original petitions are liable to be allowed.

7. In the result, both criminal original petitions are allowed. The impugned CC Nos.119 of 2021 and 26 of 2022 on the file of the Judicial Magistrate, Mudukulathur, Ramanathapuram District are hereby quashed as against all the parties concerned. Consequently, connected Miscellaneous Petition is closed.

13/06/2023

Index:Yes/No
Internet:Yes/No

er



WEB COPY

To,

To,

- 1.The Judicial Magistrate,
Mudukulathur,
Ramanathapuram District.
- 2.The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



8

G. ILANGO VAN, J

er

Cr1.OP(MD)Nos.2429 of 2023 and 23161 of 2022

13/06/2023