



CrI.O.P.(MD)No.5516 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06/12/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

CrI.OP(MD)No.5516 of 2023

and

CrI.MP(MD)No.4836 of 2023

Rajabhoopathy : Petitioner/A1

Vs.

1.The Inspector of Police,
Emaneswarm Police Station,
Ramanathapuram District.
(Crime No.149 of 2022) : R1/Complainant

2.Muniammal : R2/De-facto Complainant

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the charge sheet in CC No. 227 of 2022 on the file of the Judicial Magistrate, Paramakudi and quash the same in so far as the petitioner is concerned and pass such other orders.

For Petitioner : Mr.N.Sathishwaran

For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.S.Malaikani



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O R D E R

WEB COPY This criminal original petition has been filed seeking quashment of the case in CC No.227 of 2022 on the file of the Judicial Magistrate, Paramakudi.

2.The case of the prosecution in brief:-

Family dispute exists between the de-facto complainant and the accused persons. In pursuance of which, on 03/07/2022 at 11.00 pm, a compromise talk was going on. At that time, the accused persons used filthy language against the de-facto complainant and A2-Damotharan hit the de-facto complainant with TATA ACE vehicle. Due to which, she sustained injury. They also threatened her with dire consequences. Over the above said occurrence, a case in Crime No.149 of 2022 was registered for the offences under sections 294(b), 323, 506(ii) IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. After completing the investigation, final report was filed and it was taken cognizance in CC No.227 of 2022 by the Judicial Magistrate, Paramakudi.

3. Seeking quashment of the same, this petition has been filed simply on the ground that it is a case and counter case and without following the procedure set out



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in PSO-588-A, final report has been filed in both matters even without referring to the counter case.

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4.Heard both sides.

5.As mentioned in the preamble portion, it is a case and counter. Reading of the final reports, in both matters, both the occurrences taken place on the very same day and time. Since both are case and counter case, without verifying, who are the aggressors, final report has been filed in both matters. The Investigating Officer has not followed the procedures enunciated in PS0588-A.

6.On that sole ground, this criminal original petition is liable to be allowed, without going into other aspects.

7.In the result, this criminal original petition stands **allowed**. The case in CC No.227 of 2022 on the file of the Judicial Magistrate, Paramakudi is herein quashed against the petitioners. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes/No
Internet:Yes/No
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To,

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



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G.ILANGOVAN, J

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