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Crl.O.P.(MD)No.15210 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.15210 of 2023

and

CrI.M.P(MD) Nos.12056 and 12058 of 2023

S.Vallinayagam

... Petitioners/Accused No.4

Vs.

1. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.194/2016.

...1st Respondent/Complainant

2. Murugan

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in connection with the charge sheet in C.C.No.652 of 2022 pending on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District and quash the same.

For Petitioners : Mr. Thalaimutharasu.G

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side).



ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.652 of 2022 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.194 of 2016 for the offences punishable under Sections 147, 148, 294(b), 323 & 506(ii) IPC, against the petitioner and another.

3. On the ground that the occurrence took place in a temple festival and there was clash between two groups of people, over which, a case in Crime No.194 of 2016 and counter case in Crime No.195 of 2016 have been registered. Now both the cases have been charge sheeted in C.C.Nos.652 of 2022 and 207 of 2018 before the Judicial Magistrate, Nanguneri, Tirunelveli District.

4. Considering the fact that the proper procedure have not been adopted by the competent officer to find out who are the real aggressors and both are charge sheeted, this Criminal Original Petition is allowed.



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Hence, all further proceedings in C.C.No.652 of 2022 pending on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District, is quashed.

5.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.652 of 2022 pending on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District, is hereby quashed. Consequently, the connected Miscellaneous Petitions are closed.

10.10.2023

Index : Yes/No
Internet : Yes/No
NCC:Yes/No

Indu

To

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



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G.ILANGOVAN. J.

Indu

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