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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12/06/2023

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

Cr1.OP(MD)No.19180 of 2022

and

Cr1.MP(MD)No.12975 of 2022

1.Mutharasan

2.Tamilselvi

: Petitioners/A1 and A2

Vs.

1.State rep. by

The Inspector of Police,
Alangudi Police Station,
Pudukottai District.

: R1/Complainant

2.Baladharshini

: 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.168 of 2021 on the file of the Judicial Magistrate, Aranthangi and quash the same as illegal and pass such further or other orders.

For Petitioners : Mr.T.Lenin Kumar

For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

**ORDER**

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This criminal original petition has been filed seeking quashment of the case in CC No.168 of 2021 on the file of the Judicial Magistrate, Aranthangi.

2. The case of the prosecution in brief:-

On 17/07/2019 at about 09.30 night, one Murugesan in a drunken mood, abused his sister namely Prathiba over the noise in the TV. Over the above said abuse, Prathiba lodged a complaint. Police came to the spot and warned the above said Murugesan. In the meantime, on 18/07/2019 at about 09.30 am, again, trouble was created by the Tamilselvi and Mutharasan as to how they can give a complaint and caused assault with slipper. Murugesan also caused assault with stick. Her mother and she sustained injuries. Murugesan pushed down the de-facto complainant and she fainted. After making criminal intimation, they went away from that place. Upon which, a case in Crime No.124 of 2019 was registered for the offences under sections 294(b), 355, 323 IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. After completing the formalities of investigation, final report



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

5.Heard both sides.

<https://www.mhc.tn.gov.in/judis>



7.The present complaint has been lodged on the ground that three persons were assaulted by the accused and sustained injuries. The offence of the year 2019 I.e., on 18/07/2019. The final report was filed in 2021, so far as this case is concerned. In the counter case when the complaint is one Tamilselfal, the case was registered in Crime No.123 of 2019 and final report was also filed in that matter.

8.Reading of the final reports, in both matters, it is seen that over the complaint given by the complainant party, on 17/07/2019, trouble has arisen between two groups of people, again on 18/07/2019 at about 09.30 am. So, it is seen that both the occurrences taken place on the very same day and time. Since both are case and counter case, without verifying the case, who are the aggressors, final report has been filed in both matters. The Investigating Officer has not followed the procedures enunciated in PS0588-A.

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



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10. In the result, this criminal original petition stands **allowed**. The case in CC No.168 of 2021 on the file of the Judicial Magistrate, Aranthangi, is herein quashed. Consequently, connected Miscellaneous Petition is closed.

12/06/2023

Index:Yes/No

Internet:Yes/No

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To,

1. The Judicial Magistrate,
Aranthangi.
2. The Inspector of Police,
Alangudi Police Station,
Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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6

G.ILANGOVAN, J

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