



CrI.O.P.(MD) No.15718 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.15718 of 2023

and

CrI.M.P.(MD).Nos.12498 and 12499 of 2023

1.Annalakshmi

2.Balamurugan

3.Samuthiravel

4.Sakthivel

...Petitioner / Accused No.1 to 4

Vs.

1.The Sub-Inspector of Police,
Appayanaickepatti Police Station,
Virudhunagar District.

(In Crime No.7/2023)

...1st Respondent / Complainant

2.Balamurugan

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C. No.29 of 2023 on the file of the Learned Judicial Magistrate Court No.I, Sattur and quash the same as illegal.

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For Petitioners :Mr.C.Jeyaprakash
For Respondent :Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)
:Mr.R.Ilayaraja for R2

ORDER

This petition has been filed to quash the charge sheet in C.C. No.29 of 2023 on the file of the Learned Judicial Magistrate Court No.I, Sattur.

2.The case of the prosecution is that there is a boundary dispute between the parties. On 03.02.2023, the petitioners said to have assaulted the second respondent/defacto complainant with stick and caused injuries to him.

3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.7 of 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.29 of 2023 on the file of the learned Judicial Magistrate Court No.I, Sattur, for the offences under Sections 294(b), 323, 325 and 506(ii) of IPC against the petitioners.



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4. On 10.10.2023, after hearing both side counsels, this Court called for a report from the learned Judicial Magistrate No.I, Sattur, as to the stage of the above said trial process in C.C.No.29 of 2023.

5. Today, report has been received from the concerned Court, wherein it is stated that the trial already commenced and P.W.1 and P.W.2 were examined and Ex.P.1 was marked. But, so far no cross examination has been made and now, it is posted for examination of further witnesses on 23.11.2023.

6. The learned Government Advocate (Crl. Side) would submit that it is a case in counter case. In the counter case, a final report has already been filed and trial commenced by the learned Judicial Magistrate No.I, Sattur.

7. In view of the said development, the trial must be undertaken to logical conclusion in both the matters, simultaneously. I absolutely find no reason to entertain this at this stage. This petition deserves to be dismissed.



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WEB COPY 8. Accordingly, this criminal original petition is dismissed. Consequently, the connected criminal miscellaneous petitions are closed.

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

31.10.2023

VSG

To

1. The Sub-Inspector of Police,
Appayanaickepatti Police Station,
Virudhunagar District.
(In Crime No.7/2023)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA. J.

VSG

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