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CrI.O.P.(MD)Nos.19488 of 2022 and 17942 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04/12/2023

CORAM:

**THE HON'BLE MR JUSTICE G.ILANGO VAN**

CrI.OP (MD)Nos.19488 of 2022 and 17942 of 2023  
and

CrI.MP (MD)Nos.13291, 13293 of 2022 and 14161 of 2023

(1)CrI.OP (MD)No.19488 of 2022:-

|                                                                                                                                   |                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 1.Mahalakshmi                                                                                                                     |                                                       |
| 2.Murugan                                                                                                                         | : Petitioners/A1 and A2                               |
|                                                                                                                                   | Vs.                                                   |
| 1.State through<br>The Inspector of Police,<br>Srirangam Police Station,<br>Srirangam,<br>Trichy City.<br>(Crime No.1176 of 2021) | : 1 <sup>st</sup> Respondent/<br>Complainant          |
| 2.Chandrasahana                                                                                                                   | : 2 <sup>nd</sup> Respondent/<br>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 case in STC No.548 of 2022 pending on the file of the District Munsif-cum-Judicial Magistrate Court, Srirangam, Tiruchirapalli and quash the same as illegal and pass such further or order orders.

|                                |                                                                      |
|--------------------------------|----------------------------------------------------------------------|
| For Petitioners                | : Mr.P.Santhana Krishnan                                             |
| For 1 <sup>st</sup> Respondent | : Mr.M.Vaikkam Karunanithi<br>Government Advocate<br>(Criminal side) |
| For 2nd Respondent             | : Mr.M.Saravanan                                                     |



Crl.O.P.(MD)Nos.19488 of 2022 and 17942 of 2023

(2)Crl.OP(MD)No.17942 of 2023:-

Chandrakasan

: Petitioner/Sole Accused

Vs.

1.State represented by  
The Inspector of Police,  
Srirangam Police Station,  
Trichy City.

(Crime No.1175 of 2021)

: R1/Complainant

2.Mahalakshmi

: R2/De-facto Complainant

**Prayer:** Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.56 of 2022 on the file of the District Munsif-cum-Judicial Magistrate, Srirangam and quash the same as against the petitioner and pass such further or other orders.

For Petitioner : Mr.M.Saravanan

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

For 2<sup>nd</sup> Respondent : Mr.P.Santhana Krishnan

**COMMON ORDER**

Crl.OP(MD)No.19448 of 2022 is filed seeking quashment of the case in STC No.548 of 2022 on the file of the District Munsif-cum-Judicial Magistrate, Srirangam, Trichy, whereas Crl.OP(MD)No.17942 of 2023 has been filed seeking quashment of the case in CC No.56 of 2022 on the file of the District Munsif-cum-Judicial Magistrate, Srirangam, Trichy.



CrI.O.P.(MD)Nos.19488 of 2022 and 17942 of 2023

**2.The case of the prosecution in brief (in both cases):-**

There exists property dispute between the parties. Due to which, on 16/12/2021, there was wordy altercation between the parties, both of them assaulted each other with hands and all sustained simple injuries on both sides. On the basis of the complaint given by Mahalakshmi, a case in Crime No.1175 of 2021 was registered and after completing the investigation, final report has been filed and it was taken cognizance in CC No.56 of 2022 by the District Munsif-cum-Judicial Magistrate, Srirangam, Trichy. Similarly, on basis of the complaint given by Chandrahasan, a case in Crime No.1176 of 2021 was registered against one Mahalakshmi and Murugan and after completing the investigation, final report has been filed and it was taken cognizance in STC No.548 of 2022 by the District Munsif-cum-Judicial Magistrate, Srirangam, Trichy.

3. Seeking quashmet of the same, these petitions have been filed by both parties on the ground that it is a case and counter, without following proper procedure as set out in PSO-588A and final report has been filed in both cases.



CrI.O.P.(MD)Nos.19488 of 2022 and 17942 of 2023

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4.Heard both sides.

5.Final reports, in both the matters and CD files have been called for.

6.Reading of the complaint, in both the matters, shows that on the particular date of occurrence, over the previous enmity of land dispute, both sides engaged in exchanging blows, criminal intimidation and abuse. So over the above said occurrence, both the matters have been investigated and a charge sheet has been filed independently without referring the counter case, which is *per se* illegal.

7.On the sole ground, the entire prosecution in both cases is bad in law and accordingly, they are liable to be quashed.

8.In the result, both criminal original petitions are **allowed**. The cases in STC No.548 of 2022 and CC No.56 of 2022 on the file of the District Munsif-cum-Judicial Magistrate, Srirangam, Trichy are hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

04/12/2023

Index:Yes/No  
Internet:Yes/No  
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Crl.O.P.(MD)Nos.19488 of 2022 and 17942 of 2023

To,

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- 1.The District Munsif-cum-Judicial Magistrate,  
Srirangam,  
Trichy.
- 2.The Inspector of Police,  
Srirangam Police Station,  
Trichy.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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CrI.O.P.(MD)Nos.19488 of 2022 and 17942 of 2023

**G. ILANGO VAN, J**

**er**

CrI.OP (MD) Nos.19488 of 2022  
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**04.12.2023**