



Crl.O.P.(MD)No.21453 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31/10/2023

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

Crl.OP (MD)No.21453 of 2022
and
Crl.MP (MD)Nos.15073 and 15075 of 2022

Senthilkumar : Petitioner/A10

Vs.

1.State rep. by
The Sub Inspector of Police,
Keelasevanoor Police Station,
Ramanathapuram District.
(Crime No.120 of 2020) : R1/Complainant

2.Ayyanar : 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 CC No.54 of 2021 on the file of the Judicial Magistrate, Kadaladi, Ramanathapuram District and to quash the proceedings as against the petitioner and pass such further or other orders.

For Petitioner : Mr.S.Sundarapandian

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



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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.54 of 2021 on the file of the Judicial Magistrate, Kadaladi, Ramanathapuram.

2.The case of the prosecution in brief:-

Due to panchayat election motive between the de-facto complainant and the accused on 30/10/2020 at about 08.00 pm, during temple festival the petitioner along with others used filthy language against the de-facto complainant, attacked with stick. On the basis of the above said occurrence, a case in Crime No.120 of 2020 was registered for the offences under sections 147, 148, 294(b), 323 and 506(ii) IPC. After completing the formalities of investigation, charge sheet was filed and it was taken cognizance in CC No.54 of 2021 by the Judicial Magistrate, Kadaladi, Ramanathapuram.

3. Seeking quashment of the same, this petition has been filed on the ground that it is a case and counter and no proper investigation was undertaken by the Investigating Officer as per the procedure set out in PSO-588A; even though, the allegations are taken on its face value, none of the ingredients are attracted against the petitioner.



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4.Heard both sides.

5.It is a case of assault, abuse and criminal intimidation.

6.Now the point arises for consideration is whether proper procedure was followed by the Investigating Officer, during investigation.

7.As stated by the petitioner, it is a case and counter. So the learned Government Advocate (Criminal side) was required to produce the case diary in both the matters. He has also produced, which shows that so far as this case is concerned, the complainant name is mentioned as Ayyanar, who is the second respondent herein.

8.Reading of the final reports, in both matters, 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, 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



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petition is liable to be allowed, without going into other aspects.

10.In the result, this criminal original petition stands **allowed**. The case in CC No.54 of 2021 on the file of the Judicial Magistrate, Kadaladi, Ramanathapuram is herein quashed. Consequently, connected Miscellaneous Petitions are closed.

31/10/2023

Index:Yes/No
Internet:Yes/No

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To,

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

G.ILANGOVAN, J



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