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Crl.O.P.(MD)No.23179 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P.(MD) No.23179 of 2022
and
Crl.M.P(MD)No.16454 of 2022

1.Thangapandi

2.Munieswari

... Petitioners / Accused Nos.1 and 2

Vs.

1.The Inspector of Police,
Austinpatty Police Station,
Madurai District.
(In Crime No.103/2023).

2.Chellapandi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings of C.C.No.668 of 2022 on the learned Judicial Magistrate, Thirumangalam, Madurai District and quash the same.

For Petitioner : Mr.A.S.Abul Kalam Azad

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

For R2 : Mr.J.Jeyakumar



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ORDER

This petition has been filed seeking to call for the records relating to the proceedings of C.C.No.668 of 2022 on the learned Judicial Magistrate, Thirumangalam, Madurai District and quash the same.

2. The case of the prosecution, in brief, is that the defacto complainant lodged a complaint stating that on 26.03.2018, at about 9.30 a.m., when he was drawing water in the public water tap, his son was also there. At that time, the accused Thangapandi and his wife Muneeswari assaulted his son. He was abused in filthy language, over which a case has been registered in Crime No.103 of 2018. After completing investigation, final report was filed and taken cognizance in C.C.No.668 of 2022 by the learned Judicial Magistrate, Thirumangalam. Seeking quashment of the same, this petition came to be filed on the ground that it is a case, case in counter. The petitioner also gave a complaint against the defacto complainant party over which Crime No. 102 of 2018 was registered. Both the cases have been investigated separately and final report have been filed in both the matters.



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3. According to the learned counsel for the petitioners, it is *per-se* illegal. Another ground on which this petition has been filed is that, after lapse of four years only, final report was filed which is also barred by limitation.

4. Learned Government Advocate (Crl.side) would also submit that both are case and counter case and both have been separately investigated and both were charge sheeted.

5. Without following the proper proceedings, contemplated under Rule 566A of P.S.O Act, final report has been filed in both the matters. The respondent ought to have found the real aggressors. Even without referring to the counter case, final report has been filed. As mentioned by the petitioner, offence said to have been taken place on 27.03.2018, but final report has been filed only in the year 2022. That is after lapse of period of four years. So it is barred under Section 468 of Cr.P.C. On these two grounds, without going into other aspects, the proceedings in C.C.No.668 of 2022 on the learned Judicial Magistrate, Thirumangalam, Madurai District, is quashed.



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6. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition stands closed.

12.10.2023

NCC : Yes / No

Index : Yes/No

Internet : Yes/No

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To

- 1.The Judicial Magistrate, Thirumangalam, Madurai.
- 2.The Inspector of Police, Austinpatty Police Station,
Madurai District. (In Crime No.103/2023).
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA. J.

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