



Crl.O.P.(MD) No.22575 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.22575 of 2023
and Crl.M.P(MD)No.17652 of 2023

1. Esakki

2. Arumugam

3. Ramakrishnan @ Muthu

... Petitioners

Vs

1. The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(In Crime No.201 of 2023).

2. Nellaiappan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court call for the entire records pertaining to the impugned Charge Sheet filed in C.c.No.2217 of 2023 on the file of the learned Judicial Magistrate, No.III, Tirunelveli and quash the same as against the petitioners.

For Petitioners : Mr.R.Karunanithi

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition had been filed seeking to quash impugned Charge Sheet filed in C.C.No.2217 of 2023 on the file of the learned Judicial Magistrate, No.III, Tirunelveli as against the petitioners.

2.The case of the prosecution in brief:- The de-facto complainant lodged a complaint stating that on 05/08/2023 a meeting was held near Veilumuruganthamman Temple. At the time of discussion in the meeting, the petitioners along with others raised an issue with regard to the installation of the stone inscription at Veilumurugathamman Wedding Hall. At that time, wordy quarrel arose, in which, the petitioners and others accused assaulted the de-facto complainant, by using the filthy language and also threatened them with dire consequences. Over the above said occurrence, a case in Crime No. 201 of 2023 was registered for the offences under sections 294(b), 323, 355 and 506(2) IPC. After completing the formalities of investigation, final report was filed and it was taken cognizance in CC No.2217 of 2023 by the Judicial Magistrate No.III, Tirunelveli.



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

4. Heard both sides.

5. As mentioned in the preamble portion, it is a case and counter. Reading of the final reports, in both matters, 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 PSO588-A.

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

7. In the result, this criminal original petition stands allowed. The case in CC No.2217 of 2023 on the file of the Judicial Magistrate No.III,



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Tirunelveli is quashed against the petitioners. Consequently, connected
Miscellaneous Petition is closed.

15.12.2023

NCC:Yes/No

Internet:Yes/No

Index:Yes/No

PNM

To

1. The Judicial Magistrate No.III, Tirunelveli

2. The Inspector of Police,
Seevalaperi Police Station,
Tirunelvlei District.
(In Crime No.201 of 2023).

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J.

PNM

ORDER IN
CrI.O.P.(MD) No.22575 of 2023
and CrI.M.P(MD)No.17652 of 2023

15.12.2023