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CrI.O.P.No.3922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.3922 of 2024
& CrI.M.P.No.2879 of 2024

- 1.Mr.Subramani.
2. Mr.Saravanakumar.
3. Mr.Balaji.
4. Mr.Baskar.
5. Mr.Ganapathy.

... Petitioners/Accused Nos.1 to 5

/versus/

1. State Represented by
The Inspector of Police,
T6 Avadi Police Station,
Avadi City.
(Crime No.607 of 2021).

... 1st respondent/Complainant

2. Mrs.Saraswathi.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.70 of 2023 on the file of the Learned Judicial Magistrate Court-II, Poonamallee and quash the same.

For Petitioners : Mr.A.Vijayakannan.

For R1 : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)



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ORDER

A case and case which has been investigated by two different Investigating Officers and final report filed.

2. The Learned Counsel for the petitioners states that the complaint against them which is now pending before the Judicial Magistrate-II, Poonamallee, in C.C.No.740 of 2023 has to be quashed since other complaint been investigated by a different Investigating Officer and same taken on file by the Judicial Magistrate in C.C.No.248 of 2023.

3. This Court is of the view that, since two final reports have been filed in connection with the same transaction and investigated by two different Investigating Officers. It is for the Judicial Magistrate, before whom the matter is pending, to examine the documents and decide whether any of the cases is the offshoot of the aggression made by the defacto complainant of that case. If so, he can decide the said fact and not frame any charge against the accused and proceed with the other case. In alternate, if the Magistrate feels that in both cases they are aggressors, he shall proceed with the trial simultaneously and give its findings, because the case has been investigated by two Investigating



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Officers. At this stage, the matter need not be remanded back for further investigation. Discretion is given to the concern Judicial Magistrate to take an appropriate decision based on the documents relied by the prosecution in both cases.

4. With this observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

03.09.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The Judicial Magistrate Court-II, Poonamallee.
2. The Inspector of Police, T6 Avadi Police Station, Avadi City.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

bsm

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