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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4057 of 2024
and Crl.M.P Nos.3015 & 3016 of 2024

1.Elumalai

2.Sathishkumar

3.Ashokumar

4.Anandhan

5.Elumalai

.. Petitioners/ Accused

vs.

1.State rep.by

The Inspector of Police
Santhavasal Police Station
Polur Taluk
Tiruvannamalai District.

..Respondent/Complainant

2.Pazhani

..Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertains to C.C.No.50 of 2023, pending on the file of the learned Judicial Magisterial, Polur and to quash the same as illegal.

For Petitioners : Mr.R.Ramesh

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

**ORDER**

When the matter came up for hearing on 22.2.2024, this Court passed the following order:

The learned counsel for the petitioner submitted that based on the complaint given by the petitioners against the *defacto* complainant, an FIR came to be registered in Crime No.2670 of 2020 on 23.09.2020 for offence under Sections 147, 148, 427, 294(b), 323, 324 and 506(ii) of IPC. The learned counsel submitted that this FIR was not investigated and whereas, the FIR that was registered based on the complaint given by the *defacto* complainant alone was investigated and a final report has been filed.

2.The learned Government Advocate shall take instructions in this regard.

3.Post this case under the same caption on 27.02.2024.

2.When the matter was taken up for hearing today, the learned Government Advocate (Crl.Side) on instructions submitted that the counter case was also investigated and the same resulted in filing a final report before the same Court which was taken on file in C.C.No.117 of 2023.

3.In view of the above submission since there is a case and counter pending before the same Court, there is no question of quashing the proceedings in C.C.No.50 of 2023. Under such circumstances, the case has to be proceeded further



Uttarpradesh and another reported in **1990 (Supp) SCC 145**. Hence, there is no question of entertaining this criminal original petition.

4.This criminal original petition is accordingly, dismissed. Consequently, connected miscellaneous petitions are closed.

27.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

1.The Inspector of Police
Santhavasal Police Station
Polur Taluk
Tiruvannamalai District.

2.Judicial Magisterial, Polur.

3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,, J.

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