



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.3381 of 2024
and CrI.M.P. Nos.2534 & 2536 of 2024

1.Danial Raj

2.Vimal Raj

3.Dhominic Raj

...Petitioners

Vs

1.State Rep. by its: The Inspector of Police,
Marakkanam,
Villupuram District.

2.Chandhirasekar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.74 of 2023 on the file the Judicial Magistrate II, Tindivanam, Villupuram District and quash the same.

For Petitioner : Mr.G,Mohammed Aseef

For Respondents : Mr.A.Gopinath
Government Advocate



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ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.74 of 2023 pending on the file the learned Judicial Magistrate II, Tindivanam, Villupuram District.

2.The main ground on which this petition was filed was that the petitioner had also given a complaint for the very same incident and an FIR came to be registered in Crime No.2033 of 2020. However, the final report has been filed only in the counter complaint in Crime No.2034 of 2020. Hence, it was alleged that the case and counter was not investigated in accordance with law.

3.The learned Government Advocate on instructions submitted that the final report has been filed even in Crime No.2033 of 2020, before the same Court on 07.03.2021. However, the same is yet to be taken on file.

4.In the light of the above submission, there shall be a direction to the learned Judicial Magistrate II, Tindivanam, Villupuram District to act upon the final report filed by the respondent police in Crime No.2033 of 2020. Ultimately,



both the case and counter shall be tried in line with the judgment of the Apex Court in *Nathi Lal and others vs. State of Uttarpradesh and another* reported in **1990 (Supp) SCC 145**. The Trial Court shall complete the proceedings, within a period of six months from the date of receipt of copy of this order.

5.This criminal original petition is disposed of in the above terms.
Consequently, connected miscellaneous petitions are closed.

16.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr

To

- 1.The Judicial Magistrate II, Tindivanam, Villupuram District.
- 2.The Inspector of Police,
Marakkanam,
Villupuram District.



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N.ANAND VENKATESH, J

SSI

3.The Public Prosecutor,
High Court, Madras.

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