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CrI.O.P.No.10489 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10489 of 2024

and

CrI.M.P.No.7158 of 2024

1.S.Geetha
2.V.Akshaya

... Petitioners

Vs.

1.The State Rep.by
The Inspector of Police,
C-3, Manimangalam Police Station,
Manimangalam Circle,
Kancheepuram District.
[Crime No.442 of 2014]

2.S.Palani
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records of PRC.No.77 of 2023 pending on the file of Judicial Magistrate, Sriperumbudur and quash the same.

For Petitioners : Mr.M.G.Martin Manivannan

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

For R2 : Mr.V.C.Vinoth Kumar



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ORDER

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This Criminal Original Petition is filed to quash the PRC No.77 of 2023, on the file of the Judicial Magistrate, Sriperumbudur arising out of Crime No.442 of 2014 investigated by the Inspector of Police, C-3, Manimangalam Police Station. The petitioners who are the accused 1 & 2 pray for quashing the report on the ground that the complaint per se a false and fabricated one to grab the land and therefore, in the interest of the justice, same has to be quashed.

2. However on notice, when the matter was taken up for consideration, the learned counsel appearing for the 2nd respondent/defacto complainant submitted that for the very same relief, the petitioners filed Crl.O.P.No.21908 of 2023 and the same was dismissed on 17.10.2023. While so, suppressing the said fact, the present Criminal Original Petition is filed for the same relief. The order copy passed in Crl.O.P.No.21908 of 2023 dated 17.10.2023 is furnished to this Court for perusal.



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3. As stated earlier, a criminal complaint been registered in Crime No.442 of 2014 by the 1st respondent police. On completion of investigation, final report been filed before the Judicial Magistrate, Tambaram in PRC.No.39 of 2017. Before it could be committed to the Sessions Court, due to bifurcation of jurisdiction, records been transferred to Judicial Magistrate, Sriperumbudur and report renumbered as PRC.No.77 of 2023. The Magistrate is yet to commit the case to the Court of Sessions.

4. In such circumstances, after unsuccessful in the earlier attempt, except the change of PRC number and Court, for the very same relief, the present Criminal Original Petition is filed. When this was noticed by the learned counsel for the respondent, they sought for explanation for suppression the material facts.

5. The learned counsel for the petitioner submitted that the parties have sought for consent to change the counsel.

Dr.G.JAYACHANDRAN,J.

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6. This Court finds no valid justification for suppressing the facts and approached the Court to get the relief which already been declined. This Criminal Original Petition is dismissed for the reason stated above. Consequently, the connected Criminal Miscellaneous Petition is closed.

07.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
C-3, Manimangalam Police Station,
Manimangalam Circle,
Kancheepuram District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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