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Crl.RC.No.1074 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1074 of 2022

Maha ghandhi ... Petitioner/Defacto Complainant

Vs

1. State rep by its  
The Inspector of Police  
J3 Guindy Police Station,  
Guindy, Chennai – 600 032

... Complainant/Respondent

2. M.R.Gurumurthy

... Respondent/Accused

Prayer:- Criminal Revision filed under Section 397 read with 401 of Cr.P.C., to set aside the order, dated 08.09.2021 in Crl.M.P.No.6287 of 2021 in C.C.No.2310 of 2020, on the file of IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr. L. Infant Dinesh

For R1 : Mr. A. Gopinath  
Government Advocate [Crl.Side]

For R2 : Mr. A. Balaji

ORDER



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This Criminal Revision is filed, against the order, dated 08.09.2021, in Crl.M.P.No.6287 of 2021 in C.C.No.2310 of 2020, on the file of IX Metropolitan Magistrate, Saidapet, Chennai.

2. The brief facts of the case is that the petitioner is the defacto complainant. He made a complaint before the Law Enforcing Agency on 15.07.2017 at 5.00 p.m., stating that the owner of Mu. Ra. Silks namely, Gurumurthy, who was arrayed as A6, the second respondent herein has intentionally invited the petitioner to meet at ITC Grand Chola Hotel, Guindy at 7.00 p.m., to have a talks with regard to land matter. In view of the same, the petitioner along with friends namely Nithyalakshmi, Sami, Pasupathy and one Leo Joseph, who is the driver of the petitioner had gone there and met the second respondent/A6 at Upper Crest Smoking Zone wherein the said second respondent/A6 along with his son Pranav Kumar and 6 other unknown persons were assembled unlawfully. When the talks were commenced between them, the second respondent/A6 on getting anger told the persons who accompanied there to attack the petitioner, thereby, they attacked the petitioner brutally and caused injuries to him. Hence, the petitioner made a complaint before the Law Enforcing Agency



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and the Law Enforcing Agency had conducted the investigation and filed charge sheet against them. After filing of charge sheet, the second respondent/A6 filed Discharge Petition before the Trial Court and the same was allowed. Challenging the same, the present Criminal Revision Case has been filed.

3. The Learned Counsel appearing for the petitioner would submit that though the Discharge Petition was allowed as against the second respondent/A6, there is a lot of evidence available as against the second respondent/A6. Even then, the Trial Court allowed the Discharge Petition which is not sustainable one and the same is contrary to the decision in ***State of Haryana - Vs - Bhajan Lal & Ors. (1992 SCC (Crl.) 426).***

4. Per Contra, the Learned Counsel for the respondent/State would submit that the second respondent is arrayed as A6. The trial was conducted as against A1 to A5 and the same ended in acquittal, on 07.04.2022, against which, so far, the petitioner has not preferred any appeal. However, the petitioner himself has arrived as a compromise with the other accused and a Compromise Memo was filed before the Trial



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Court to compound the offence between them. But, the same was rejected and the trial was conducted, and after conducting trial, all the accused were acquitted. Hence, there is no merit to remand the matter back to the Trial Court for fresh consideration, since the main accused persons were already acquitted.

5. Heard and considered the submissions of the learned counsel on both sides and perused the materials.

6. It is submitted by the learned Government Advocate [Crl.Side], that the main accused, A1 to A5 have already been acquitted by the Trial Court on 07.04.2022 and the second respondent was arrayed as A6 in the crime. In view of the acquittal of the main accused, A1 to A5, nothing survives for trial as against the 2<sup>nd</sup> respondent and the benefit of the said acquittal has to be passed on to the 2<sup>nd</sup> respondent as well, which has been rightly appreciated resulting in the impugned order, which does not require any interference, as further trial would only be a waste of precious judicial time.



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7. For the reasons aforesaid, this Criminal Revision Case stands dismissed.

05.06.2024

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Internet : Yes

Index: Yes/No

Neutral Citation Case : Yes/No

To:

1. The Inspector of Police  
J3 Guindy Police Station,  
Guindy, Chennai – 600 032

2.The Public Prosecutor ,  
High Court, Madras.

M.DHANDAPANI,J.,

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