



Crl.OP.No.16519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.16519 of 2024

1. M.Jayavel

2. M.Kumaravel

3. S.Balamurugan

4. S. Prsanth

... Petitioners

Vs.

1. State rep. By
The Inspector of Police,
Rishivandiam Police Station,
Kallakurichi District.

2. Gopi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the impugned complaint filed in S.T.C.No.377 of 2021 on the file of Judicial Magistrate, Thirukkivilur, Kallakurichi District and quash the same.



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For Petitioners : Mr.N. Kannan

For Respondents : Mr.S.Udaya Kumar
Govt. Advocate (Crl. Side), for R1

No appearance, for R2

ORDER

The petition has been filed to quash STC No.377 of 2021 on the ground that the case registered in Crime No.64 of 2018 for the offence under Section 294(b), 323, and 506(i) of IPC, hopelessly barred by limitation under Section 468 of Cr.P.C., since the final report was not filed within three years for the commission of the offence.

2. However, without condonation of delay, the complaint has been taken cognizance by the learned Judicial Magistrate, Tirukkivilur. Furthermore, the case and case in counter wherein the complaint given by the petitioner herein as against the aggressor has been independently investigated and without reference to this complaint, final report filed and the same is pending in CC No.57 of 2022.

3. The learned Government Advocate (Crl. Side) submits that since



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the I.O, who has investigated both the case and case in counter has found that both the parties are aggressor, two separate final reports have been filed and both taken cognizance by the learned Judicial Magistrate, Tirukkivilur, one in STC 377 of 2021 and another in CC No.57 of 2022. As far as to limitation concerned, the learned Government Advocate (Crl. Side) submits that the final report in this case was filed as early as on 25.04.2018 and cognizance was taken well within period of limitation.

4. This Court after perusing the record and the submissions, following the dictum laid down by the Full Bench of this Court in ***Balaji vs. State of Tamil Nadu***, disposed of the Criminal Original Petition with a direction to the concerned learned Judicial Magistrate, Tirukkivilur, to try both the case and case in counter which is pending on the file as CC.No.57 of 2022 and STC No.377 of 2021 together and complete the trial in accordance with law.

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jv

Index: Yes/No

Internet: Yes/No



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To

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1. The Judicial Magistrate,
Thirukkovilur,
Kallakurichi District
2. The Inspector of Police,
Rishivandiam Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras



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Dr.G.JAYACHANDRAN,J.

jv

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