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CrI.O.P. No.20047 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM :
THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

CrI.O.P. No.20047 of 2024 and CrI.M.P. No.11640 of 2024

D. Suresh

Petitioner

vs.

1 The State represented by
the Inspector of Police
Maraimalainagar Police Station
Chengalpattu Taluk & District
(Cr. No.944 of 2017)

2 Shrithar

Respondents

Criminal Original Petition filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, seeking to call for the records in C.C.
No.664 of 2019 on the file of the Judicial Magistrate Court No.II,
Chengalpattu and quash the same.

For petitioner
For R1

Mr. A. Ramalingam
Mr. S. Udayakumar
Govt. Advocate (CrI. Side)

ORDER

This criminal original petition has been filed seeking quashment of
the case in C.C. No.664 of 2019 on the file of the Judicial Magistrate
No.II, Chengalpattu, on the ground that the first respondent police, without
proper investigation regarding the actual aggressor, has registered two



FIRs, one in Cr.No.943 of 2017 and another in Cr. No.944 of 2017 for the same transaction and also filed two final reports, one taken on file as C.C.No.614 of 2019 and another as C.C. No.664 of 2019 by the Judicial Magistrate Court No.II, Chengalpattu.

2. The learned counsel for the petitioner submitted that when there is a complaint and a counter complaint for the same transaction, the Investigating Officer ought to have investigated the matter properly and should have identified the actual aggressor and proceeded only against him. But, in the instant case, he has mechanically registered two FIRs and filed two final reports without proper investigation. Hence, this criminal original petition seeking the aforesaid relief.

3. This Court, after going through the records, is of the opinion that the Investigating Officer, on investigation, has found that both the complainant and the counter complainant are aggressors and has hence filed two separate final reports before the Judicial Magistrate Court No.II, Chengalpattu and the same have been taken cognizance in C.C.Nos.614 and 664 of 2019.



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4. The Judicial Magistrate, Chengalpattu, is directed to follow the dictum laid down by the Full Bench of this Court in **T. Balaji and others vs. State [2024 Live Law (Mad) 309]** and proceed with the trial of the cases.

With the above direction, this criminal original petition is disposed of. Connected CrI.M.P. stands closed.

21.08.2024

cad

To

- 1 The Inspector of Police
Maraimalainagar Police Station
Chengalpattu Taluk & District
- 2 The Public Prosecutor
Madras High Court
Chennai 600 104



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DR. G. JAYACHANDRAN, J.

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