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Crl.O.P.No.21683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21683 of 2023

And

Crl.M.P.Nos.15009 and 15011 of 2023

R.Thangavelu

... Petitioner

Vs.

S.Chinna Gounder

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.119 of 2022 on the file of the Judicial Magistrate, Rasipuram, Namakkal District and to quash the same.

For Petitioner : Mr.P.Kannan Kumar
For Respondent : Mr.B.Jawahar

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.119 of 2022 pending on the file of the learned Judicial Magistrate, Rasipuram, Namakkal District.

2.When the matter came up for hearing on 20.06.2023, this



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Court passed the following order:

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"When the matter was taken up for hearing on 04.01.2024, this Court found that the notice had been served on the respondent and there was no appearance either in person or through counsel. Therefore, based on the materials that were available, this Court passed a final order on that day. After the orders were passed, the learned counsel who had filed vakalat on behalf of the respondent made a mention and submitted that an opportunity must be given to the respondent to putforth the case. Accordingly, this Court directed the matter to be posted under the caption 'For Being Mentioned' today.

2.On hearing the learned counsel for the respondent, this Court finds out some clarity is required in this case. There seems to be a case and counter. The respondent has given a complaint before the Vennaandur Police Station, Namakkal for an incident that had taken place on 03.10.2018. Since no action was taken, a representation was made before the Superintendent of Police. There was no response and hence, the respondent filed a petition under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate,



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Rasipuram. The same was taken on file in CMP No.1413 of 2019 and an order was passed on 08.04.2019, directing the police to conduct an enquiry and to ascertain as to whether a cognizable offence is made out. It is not clear as to what happened pursuant to this Court passed by the learned Judicial Magistrate.

3.The petitioner has also given a complaint for an incident that took place on 20.05.2019 against the respondent which resulted in the registration of an FIR in Crime No.113 of 2019. It is not clear as to what happened pursuant to the registration of the FIR.

4.The subject matter of challenge in the present petition is the summons that has been issued by the learned Judicial Magistrate, Rasipuram based on the complaint given by the respondent against the petitioner. The complaint has been taken on file under Section 200 of Cr.P.C. Unless, there is clarity with regard to the above facts, no further order can be passed in this petition.

5.This Court directs the learned Additional Public Prosecutor to take



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instructions from the concerned police and report before this Court.

6.The order that was passed on 04.01.2024 was not signed by this Court and therefore, the oral order passed on that day is hereby withdrawn.

7.Post this case under the caption 'For Orders' on 30.01.2024."

3.The matter was once again listed for hearing on 15.02.2024 and this Court passed the following order:

"The respondent was present in-person. The learned counsel for the respondent on instructions submitted that apart from C.C.No.119 of 2022 and C.C.No.283 of 2019, there is yet another case pending as against the Panchayathars who attempted to amicably settle the dispute between the petitioner and the respondent. The learned counsel for the respondent submitted that if the criminal proceedings have to be closed, the proceedings that are pending against the Panchayathars must also be closed. Only then the entire criminal proceedings will come to an end and thereafter, the parties will agitate it



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before the civil forum.

2.The particulars of the pending proceedings against the Panchayathars shall be provided to the learned counsel for the petitioner. The learned counsel for the petitioner shall also take instructions in this regard. The petitioner and the respondent shall also be present before this Court during the next date of hearing.

3.Post this case under the caption "for orders" on 23.02.2024 at 2.15 p.m."

4.Pursuant to the above order, the parties were present before this Court on 23.02.2024 and on that day, this Court passed the following order:

"The petitioner R.Thangavelu was present at the time of hearing. Similarly the respondent was also present at the time of hearing.

2.This case is pending as against the petitioner and others herein in C.C. No.159 of 2023 before the Judicial Magistrate Court, Rasipuram. In this case, Palanivel, one of the accused was also present at the time of



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hearing. While talking with the parties, they are not in a position to amicably settle today. However, considering the age of the parties and nature of the case, the counsel appearing on either side shall advise the parties and see if the matter can be amicably settled. If ultimately the parties are able to reach settlement, the proceedings in C.C. No.119 of 2022, 283 of 2019 and 159 of 2023 can be closed.

3.In so far as civil dispute is concerned, the parties can work out their remedy before the competent Court in the manner known to law.

*4. Post this case under the same caption **next week.**"*

5.When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that inspite of the best efforts taken by the counsel appearing on either side, there was no compromise between the parties.

6.In the considered view of this Court, there are two cases pending on the same issue in C.C.No.119 of 2022 and C.C.No.283 of



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2019 (between the same parties). That apart, for yet another incident, there is another case pending in C.C.No.159 of 2023. All these cases are pending before the Judicial Magistrate Court, Rasipuram. In view of the same, there is no question of quashing the proceedings and it is left open to the parties to raise all the grounds before the concerned Court and the same will be dealt with on its own merits and in accordance with law.

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

05.03.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Judicial Magistrate,
Rasipuram,
Namakkal District.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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N.ANAND VENKATESH,J.
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