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*Crl.O.P.24836 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

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**THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN**

**Crl.O.P.No.24836 of 2023**

G.K.Babu

.... Petitioner

Versus

1. The State

Represented by the Inspector of Police,  
K2, Ayanavaram Police Station,  
Chennai - 600 023.  
(Crime No.197 of 2021)

2. Mohan

.... Respondents

**Prayer:** The Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C.No.6345 of 2023 on the file of the V Metropolitan Magistrate, Egmore, Chennai, and quash the same.

For Petitioner : Mr.P.Chandrasekar

For 1<sup>st</sup> Respondent : Mr.S.Udaya Kumar  
Government Advocate (Crl.Side)

For 2<sup>nd</sup> Respondent : Mr.R.Thanigaiarasu

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**ORDER**

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The present Criminal Original Petition has been filed to call for the records in C.C.No.6345 of 2023 on the file of the V Metropolitan Magistrate, Egmore, Chennai, and quash the same.

2. The petitioner herein is the accused in C.C.No.6345 of 2023 arising out of Crime No.197 of 2021 on the file of K2, Ayanavaram Police Station. The complainant is one Mohan, who is the second respondent herein. There is a counter complaint by the petitioner herein against the second respondent in Crime No.1269 of 2020 on 30.12.2020.

3. The narration of fact, as found in the F.I.R in both the cases that the petitioner herein is an Assistant Executive Engineer in Greater Chennai Corporation and the second respondent herein is a Contractor. The incident had taken place in the office of the petitioner herein, when the second respondent had gone to meet the petitioner and pick a quarrel. The complaint initiated against the second respondent indicates that he created a scene with filthy language and all of a sudden, attacked the petitioner herein on the face through a wooden chair and the chair got broken and the



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petitioner was badly injured and was taken to Kilpauk Medical College Hospital on the same day and was given treatment for his injury. Whereas, the complaint given by the second respondent registered in Crime No.197 of 2021 indicates that the petitioner herein attacked the second respondent with walkie-talkie on his wrist and caused swelling injury.

4. The Police has filed final report in both the cases, one in C.C.No.6345 of 2023 against the petitioner herein and another in C.C.No.8621 of 2021 against the second respondent. The incident arising out of the same transaction took place on 30.12.2020 at about 6.00 p.m in the premises of Corporation Zone - 6, Ayanavaram, Chennai. The Investigating Officer has failed to follow the guidelines under Section 566 of the Police Standing Order by letter and spirit and he has not identified the aggressor in this case, but, mechanically filed the final report in both the cases. The Metropolitan Magistrate had taken both the cases on file. Considering the case of this nature, the Investigating Officer should have identified the aggressor and filed the final report against the aggressor. The complaint given by the aggressor and material collected should form part of



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the final report, instead he has filed final report in both the cases, which lead to miscarriage of justice.

5. Therefore, this Court, in exercise of power under Section 482 of Cr.P.C., quashed C.C.No.6345 of 2023 and C.C.No.8621 of 2021 both pending on the file of the V Metropolitan Magistrate, Chennai, and remanded the matter back to the Investigating Officer to conduct further investigation and identify the aggressor following the guidelines under Section 566 of Police Standing Order and file a report accordingly.

With the above directions, this Criminal Original Petition is disposed of.

**18.07.2024**

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To



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1. The Inspector of Police,  
Kovilpalayam Police Station,  
Coimbatore.
2. The Public Prosecutor,  
High Court of Madras, Chennai.



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**DR.G. JAYACHANDRAN, J.**

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**19.07.2024**