



Crl.O.P.(MD).No.4722 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Navaneethakrishnan

... Petitioner /Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Kulithalai, Karur District.

2.State rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.197 of 2024)

... Respondents 1&2/Complainants

3.Ranjith

... 3rd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the Special Court / P.C.R. Cases, Karur District, to accept the surrender of the Petitioner along with bail application in Crime No.197 of 2024 on the file of the second Respondent Police herein and to consider the bail application on the same day.

For Petitioner : Mr.G.Manikandan

For R-1 and R-2 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)



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ORDER

The learned Counsel for the Petitioner submits that the Petitioner is a sole Accused in Crime No.197 of 2024 on the file of the Inspector of Police, Kulithalai Police Station, Karur District. The Petitioner filed this Criminal Original Petition, seeking direction against the Special Court / P.C.R. Cases, Karur District, to consider bail application of the Petitioner on the day of his surrender in Crime No.197 of 2024.

2. The learned Government Advocate (Criminal Side) appearing for the Respondents 1 and 2 would submit that the Petitioner herein is alleged to have attacked the third Respondent / defacto complainant with a wooden log and caused injuries on the shoulder of the third Respondent, based on which, a case had been registered against the Petitioner. He would further submit that the defacto complainant is a TATA Ace driver, who is alleged to have parked the vehicle on the road side, for which, the Petitioner herein objected and attacked with a wooden log and caused injuries and the defacto complainant / third Respondent was injured and was treated as inpatient for two days and discharged. There is no previous case against the Petitioner.



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3. The Petitioner is an Accused in Crime No.197 of 2024. Based on the complaint of the Petitioner herein, a case had been registered against the third Respondent / defacto complainant herein in Crime No.196 of 2024.

4. Since the case involved case and counter, it should be investigated by the Investigator fairly by exercising option, (i) to close the false case of the investigation and to file a negative report before the Court concerned (ii) to close both the cases, if both the cases are found to be false. (iii) if it is not found which of the case is not true, then the investigation officer has to proceed with the investigation in both the F.I.Rs and file investigation report, after completion of the investigation before the Court concerned.

5. If the first two options are exercised by the investigation officer, it will result in miscarriage of justice. Therefore, the investigation officer is directed to proceed with the investigation and file a final report for both the F.I.Rs. If one of the cases is closed, even if the other case, in which, the investigation had been completed, final report laid before the Court concerned, the accused in that case, will take a defence that the Petition preferred by the accused was closed by the investigation officer, which will be upheld by the trial in acquitting the accused or Appellate Court in setting aside the conviction,



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to avoid such exigencies, the investigation officer is directed to proceed with fair investigation in both the F.I.Rs. In such circumstances, the charge sheet has to be filed before the Court concerned.

6. In view of the above, this Court directs the Petitioners to surrender before the learned Special Court [P.C.R. Cases], Karur District, within 15 days from the date of receipt of a copy of this order or from the date of uploading the copy of this order in the official web-site of this Court.

7. On such surrender by the Petitioners and on filing an application for bail, the Special Court [P.C.R. Cases], Karur District, shall consider the bail application of the Petitioners, after issuing notice to the victim of crime / De-facto complainant and after hearing the objections of the victim of the crime, and shall pass appropriate orders as per law.

8. With the above said direction, this Criminal Original Petition is disposed of.

26.03.2024

NCC:yes/no
Index:yes/no
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To

- 1.The Special Court / P.C.R. Cases,
Karur District,
- 2.The Deputy Superintendent of Police,
Kulithalai, Karur District.
- 3.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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