



CrI.O.P. (MD) No.11891 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.11891 of 2024
and
CrI.M.P.(MD)Nos.7498 and 7499 of 2024

C.Selvakumar

... Petitioner

Vs

1. The Sub Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
Crime No. 211/2022.

2. Chithra

... Respondents

PRAYER: Petition filed under Section 482 Cr.P.C. seeking to call for the records relating to the C.C.No.198 of 2024, on the file of the learned Judicial Magistrate, Thirumangalam and quash the same as illegal as against this petitioner.



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For Petitioner : Mr.R. Senthil Kumar,
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
For R2 : Mr.K.Navaneetha Raja

ORDER

The petitioner has filed this petition, seeking to quash the proceedings in charge sheet in C.C.No.198 of 2019 on the file of the Judicial Magistrate Court, Thirumangalam.

2. The case of the prosecution is that due to previous motive, the accused have attacked the defacto complainant and her family members using aruval and caused injuries to them. Hence the case.

3.The learned Counsel for the petitioner submits that based on the complaint lodged by the petitioner, an FIR in Crime No.115 of 2021, pending before the concerned Police Station, has been registered as against the defacto complainant/A1. In fact, the defacto complainant is the



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aggressor, who came to the petitioner's house and requested him not to depose in the case in Crime No.115 of 2021. However, she has foisted the present case as against the petitioner.

4.The learned Counsel appearing for the second respondent submits that it is a case and counter case, which were registered on the basis of the incident took place in the year 2022 and the earlier incident took place in the year 2020, for which, final reports have been filed. The present occurrence was taken place on 05.06.2022 and in this incident also, case and counter case have been registered.

5.This Court has considered the rival submissions made.

6.It appears that the respondent police has conducted the investigation in a very careless and negligent manner, in which, the learned Judicial Magistrate, Thirumangalam has already passed an order in Cr.M.P.No.4478 of 2023. The case of the defacto complainant in Crime No. 211 of 2022 has been projected in a different way in the statement recorded



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under Section 163(1) Cr.P.C. It appears that the respondent police has taken advantage of the position that the police officers are not expected to get signatures in the 163(1) Cr.P.C statement and the statement has been prepared in such a manner. In all fairness, the respondent police ought to have closed the case in Crime No.211 of 2022. Therefore, considering the manner in which, the final report has been filed and the same was taken cognizance by the learned Judicial Magistrate, Thirumangalam, this Court directs the Additional Superintendent of Police, Madurai, to look in this issue and find out the manner, in which, the investigation has been conducted and set right the things.

7.If the Additional Superintendent of Police, Madurai, finds that the investigation is not conducted in a proper manner, he shall withdraw the final report filed before the learned Judicial Magistrate, Thirumangalam and seek permission from the learned Judicial Magistrate, Thirumangalam for further investigation and entrust the same to some other sincere officer.



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8. With the above directions, this criminal original petition is disposed of. Consequently, the connected miscellaneous petitions are closed.

29.07.2024

NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.
LR

To

1. The Judicial Magistrate,
Thirumangalam.

2. The Sub Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Additional Superintendent of Police, Madurai.



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B.PUGALENDHI, J.

LR

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