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Crl.O.P.(MD).No.21853



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.21853 of 2022

and

Crl.M.P.(MD).No.15396 of 2022

1.Subramani

2.Harish

...Petitioners

Vs.

1.The State represented by
the Sub Inspector of Police,
Guzilamparai Police Station,
Dindigul District.

2.Mancikam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the charge sheet in C.C.No.81 of 2021 pending before the learned Judicial Magistrate, Veda sandhur in Dindigul District against Crime No. 1063 of 2020 for the alleged offences under Sections 294(b), 324 and 506 (ii) of IPC and quash the same as illegal.

For Petitioners

: Mr.S.Louis

For R-1

: Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)

For R-2

: Mr.K.Arun Raj



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ORDER

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This petition has been filed to quash the proceedings in C.C.No.81 of 2021 on the file of the learned Judicial Magistrate, Vendasandur, Dindigul District.

2. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the first respondent Police and the learned counsel appearing for the second respondent.

3. The learned Government Advocate (Criminal Side) appearing for the first respondent Police submitted that a case and counter case was registered in Crime Nos.1062 and 1063 of 2020 and both FIRs were investigated by the first respondent Police. Two final reports were filed before the learned Magistrate, Vendasandur, Dindigul District and the final reports have been taken on file in C.C.Nos.81 of 2021 and 442 of 2023 and the same are pending before the Court.

4. In the considered view of this Court, when a case and counter case is involved, there is no question of quashing one of the case before this Court. Both the cases will have to be dealt in line with the judgment of the Full Bench of this Court in the case of *T.Balaji and Another Vs. The State represented by the Inspector of Police, Chennai and another* reported in *2024 (2) LW (Crl.) 175*. The



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grounds that have been raised by the petitioners can be raised before the Court below and the same will be considered on its own merits and in accordance with law.

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5. In the light of the above discussion, this Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate, Veda sandur, Dindigul District, to dispose of C.C.Nos.81 of 2021 and 442 of 2023 in line with the guidelines issued by the Full Bench of this Court within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

26.11.2024

Index : Yes / No

Internet : Yes / No

Speaking Order/Non Speaking Order

TSG

To

1.The Judicial Magistrate, Veda sandur, Dindigul District.

2.The Sub Inspector of Police,
Guzilamparai Police Station,
Dindigul District.

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



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N.ANAND VENKATESH, J.

TSG

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