



CRL MP(MD) No.12461 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twentieth day of November Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR
CRL MP(MD) No.12461 of 2024
in
CRL OP(MD) No.20146 of 2024

S.ILANGO

(IN THE CHARGE SHEET NAME HAS BEEN
WRONGLY MENTIONED AS ILANGO VAN)

... PETITIONER/PETITIONER
/ACCUSED NO.1

Vs

1 THE INSPECTOR OF POLICE,
EARWADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 119/2022

... RESPONDENT/RESPONDENT
/DE JURE COMPLAINANT

2 K.MURUGESAN

... RESPONDENT/RESPONDENT
/DEFACTO COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass orders staying the further proceedings of the case in C.C no. 189 of 2023 pending on the file of the Learned Judicial Magistrate, Additional Mahila court, Ramanathapuram till the disposal of the main quash petition.

Prayer in CRL OP(MD). 20146/ 2024 :

To call for the entire records connected with the case in C.C no. 189 of 2023 pending on the file of the Learned Judicial Magistrate, Additional Mahila court, Ramanathapuram and quash the same in so far as the petitioner is concerned and quash the same.

Order : This petition coming up for orders on this day, upon perusing the petition
<https://www.mhc.tn.gov.in/judis>



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filed in support thereof and upon hearing the arguments of M/S.NAVANITHARAJA, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent, while admitting the Criminal Original Petition, the court made the following order:-

Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the first respondent.

2. The petitioner / A1, who is facing trial in C.C.No.189 of 2023, for the offences under Sections 294(b), 506(i) and 323 I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, has filed the present quash application.

3. The contention of the learned counsel for the petitioner is that this is a case of counter-allegations. Earlier, the petitioner lodged a complaint against the second respondent / de-facto complainant, leading to the registration of a case in Crime No.118 of 2022 under Sections 147, 448, 294(b), 427, 506(i), and 379 I.P.C. The incident in that case occurred on 18.08.2022. Ten days later, the present complaint was filed against the petitioner. On completion of investigation, a charge sheet has now been filed against the petitioner and one Baskaran (A2).

4. The learned counsel for the petitioner submits that this is a case of counter-allegations. The respondent Police should have conducted an investigation into the petitioner's complaint in Crime No.118 of 2022. However, for reasons unknown, no investigation has been conducted in that case. Further, the learned counsel for the



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petitioner points out that in this matter, A2, S.Baskar, filed a quash application in CrI.O.P.(MD)No.19562 of 2023, and this Court, by order dated 02.11.2023, granted a stay in CrI.M.P.(MD) No.15345 of 2023. The petitioner is also similarly situated.

5. Considering the submissions and after perusing the materials, it is evident that a land dispute has escalated into a criminal case, with cases and counter-cases filed against both the petitioner and the de-facto complainant. Admittedly, both Crime Nos.118 and 119 of 2022 arise from the same incident. In view of the above, the respondent Police should have followed Police Standing Order 566, which, in this case, was not adhered to. Furthermore, this Court has already granted an interim stay concerning A2. The petitioner is also similarly situated.

6. In view of the above, there shall be an order of interim stay on all further proceedings in C.C.No.189 of 2023, pending before the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram District.

7. Notice to the second respondent / de-facto complainant returnable by 13.12.2024. Private notice is also permitted.

sd/-
20/11/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

WEB COPY

1 THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, EARWADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL MP(MD) No.12461 of 2024
in

CRL OP(MD) No.20146 of 2024
Date :20/11/2024

RS/VR/SAR-(27.11.2024) 4P 5C

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