



Crl.O.P.(MD)No.475 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:04.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.475 of 2023

and

Crl.M.P.(MD).No.421 of 2023

1.Rajaram

2.Jayalakshmi

... Petitioners

Vs.

1.The Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.398 of 2022)

2.Jayaprakash

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the above FIR in Crime No. 398 of 2022 on the file of the first respondent Police and quash the same.

For Petitioners : Mr.C.Jeganathan

For R-1 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

For R-2 : Mr.P.Mahendran



ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to an FIR in Crime No.398 of 2022 on the file of the first respondent Police and quash the same.

2. The case in hand involves a case and counter case. 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* has given various directions as to how a case and counter case must be investigated by the Police and how a trial Court must deal with such a case.

3. The learned Government Advocate (Criminal Side) appearing for the respondent Police on instructions submitted that investigation has been completed in this case and a final report was filed before the learned Judicial Magistrate, Theni, through E-filing mode and the same is yet to be taken on file. It was further brought to the notice of this Court that based on the complaint given by the first petitioner, the First Information Report was registered in Crime No.399 of 2022 and a final report was filed in this First Information Report and the same has been taken on file by the learned Judicial Magistrate, Theni in C.C.No.184 of 2024.



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4. In the light of the above development, the First Information Report cannot be quashed at this stage. It goes without saying that it will be left open to the parties to take all the grounds before the Court below and the Court below will strictly go by the guidelines in the judgment of the Full Bench referred supra.

5. This Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

04.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Inspector of Police,
Veerapandi Police Station,
Theni District.

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



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N.ANAND VENKATESH. J.

TSG

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