



Crl.O.P.(MD)No.22355 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22355 of 2024

and

Crl.M.P(MD) Nos.13938 and 13940 of 2024

1. Rajagopal @ Rajagopalan
2. Ramesh
3. Chelladurai : Petitioners

Vs.

1. The Inspector of Police
Natham Police Station
Dindigul District
2. Mazhuventhi : Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to C.C. No.2338 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Natham and quash the same as against the petitioners.

For Petitioner : Mr.N.Karthikeya Venkachalapathy
For Respondents : Mr.A.Thiruvadikumar
No.1 Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C. No.2338 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Natham

2. The contention of the petitioner is that the defacto complainant is the relative to the petitioner. There was a dispute between the second respondents and his mother -in law, Pandeewari with regard to the property. The mother- in law of the defacto complainant was assaulted by the second respondent for which a case is registered in Crime No. 718 of 2021. The respondent police conducted investigation and closed the case in Crime No. 718 of 2021 against which the mother-in-law of the second respondent filed a protest petition and now the case has been taken in private complaint and pending in C.C. No. 106 of 2023 before the same court.

3. The limited prayer sought by the petitioner is to try both the case together one after another and the judgment to be rendered on the same day in both cases namely C.C. No.2338 of 2022 and C.C. No. 106 of 2023. He further submitted that the petitioners are not disputing the



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identity and hence the personal appearance of the petitioners may be dispensed with. The trial Court to try both the cases in C.C. No.2338 of 2022 and C.C. No. 106 of 2023 in the nature of case and case in counter following the judgment of the Hon'ble Full Court in the case of ***T.Balaji and another .vs.State, Rep. by the Inspector of Police, New Washermanpet Police Station, Chennai and another*** reported in ***2024(3)MLJ(Crl.)458***.

4. In the event of the petitioners filing petition under section 228 of BNSS the trial Court to consider the request of the petitioner favourably

5. With the above direction, the Criminal Original Petition stands disposed of. Consequently connected miscellaneous petitions are closed.

18.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Munsif cum Judicial Magistrate Court, Natham
2. The Inspector of Police
Natham Police Station
Dindigul District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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