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CRL OP No. 1817 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 1817 of 2024

and

CRL MP Nos. 1289 & 1291 of 2024

and

CRL MP No.13640 of 2025

1. J.Nagaraj
2. N.Savitha
3. P.Sargunaraj
4. R.Poyyathappan
5. Kamakshi Poyyathappan

Petitioner(s)

Vs

1. The Inspector Of Police,
Villupuram Taluk Police Station,
Villupuram District.

2. S.Subash

Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records on the file of the Judicial Magistrate No.I Court, Villupuram in C.C.No.294 of 2022 and quash the final report as against the petitioners/accused 1 to 5 are concerned in C.C.No.294 of 2022.



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For Petitioner(s): M/s. T. Saikrishnan
For R1: Dr.C.E.Pratap,
Government Advocate (Crl.Side)
For R2 : Mr.G.Saravanan

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.294 of 2022 on the file of the Judicial Magistrate Court No.I, Villupuram and quash the final report as against the petitioners/accused 1 to 5 in C.C.No.294 of 2022.

2. Heard the learned counsel for the petitioners, learned Government Advocate (Crl.Side) appearing for the respondent-Police and the learned counsel appearing for the private respondent and perused the materials available on record.

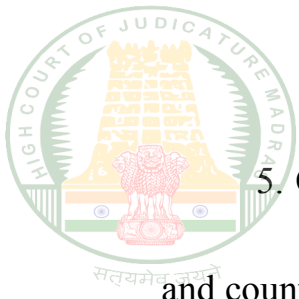
3. Learned counsel for the petitioners submitted that the second petitioner has filed a complaint as against the second respondent's father and the same was registered in Crime No.564 of 2019. As a counter blast, based on the false complaint given by the second respondent herein, the first respondent-Police



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registered a case in Crime No.565 of 2019 for the offences under Sections 147, 294(b), 323 and 506(i) of the IPC as against the petitioners and after completion of investigation, charge sheet was filed and the same was taken on file as C.C.No.294 of 2022 by the learned Judicial Magistrate No.I, Villupuram. In the said charge sheet, name of the accused/petitioners have been wrongly mentioned. He further submitted that there was a case and counter case in Crime Nos.564 and 565 of 2019. However, investigation has been completed in Crime No.565 of 2019 and same has been taken on file in C.C.No.294 of 2022 by the learned Judicial Magistrate No.I, Villupuram. However, in the main case in Crime No.564 of 2019, investigation has not been completed and final report has not been filed.

4. Learned Government Advocate (Crl.Side) appearing for the respondent-Police submitted that case and in counter case, investigation was over. The respondent-Police filed charge sheet in Crime No.564 of 2019 and the same was taken on file in CC.No.88 of 2023 on the file of the Additional Mahila Court, Villupuram.



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5. On a perusal of the records, it is seen that case in Cr.No.564 of 2019 and counter case in Crime No.565 of 2019 have been registered on the same day itself ie., on 28.6.2019. The Hon'ble Supreme Court and also the Full Bench of this Court in *T.Balaji & Another Vs. State, reported in 2014(5) CTC 1*, had already issued directions and guidelines that the case and case in counter has to be proceeded by the respondent Police simultaneously. Despite the same, the respondent-Police neither follow directions of the Hon'ble Supreme Court nor follow the guidelines of the Full Bench of this Court. The respondent-Police conducted investigation in the cases separately and filed independent charge sheets which is in violation of the directions of the Hon'ble Supreme Court.

6. Considering the submissions made by the learned counsel on either side and also considering the facts and circumstances of the case, this Court is inclined to quash both the cases viz., C.C.No.88 of 2023 and C.C.No.294 of 2022. Accordingly, the proceedings C.C.No.294 of 2022 on the file of the Judicial Magistrate Court No.I, Villupuram and C.C.No.88 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court, Villupuram are hereby quashed.



7. The respondent-Police is directed to conduct a fresh investigation as per the directions of the Hon'ble Supreme Court and file a common final report / charge sheet within a period of three months from the date of receipt of a copy of this order.

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

15-07-2025

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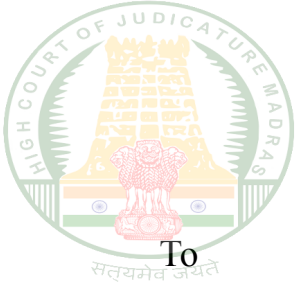
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Registry is directed to communicate this order before the court below forthwith.



To

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1. Judicial Magistrate No.I, Villupuram
2. Judicial Magistrate, Additional
Mahila Court, Villupuram.
3. The Inspector Of Police,
Villupuram Taluk Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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