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Crl.O.P.Nos.8789 & 8797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.8789 & 8797 of 2025
and Crl.M.P.No.5785 of 2025

Mohan

... Petitioner in both Crl.O.Ps

vs.

State through Inspector of Police,
Samalpatti Police Station,
Uthangarai, Krishnagiri District.

.. Respondent in both Crl.O.Ps.

PRAYER in Crl.O.P.No.8789 of 2025: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and Section 482 of Cr.P.C. to direct the Hon'ble Additional District Judge, Krishnagiri to send back the records pertaining to the Crl.M.P.No..5847 of 2023 in R.C.S.No.20 of 2022 in Crime.No.53 of 2019 to the file of learned Judicial Magistrate, Uthangarai for early disposal of the same and to conduct joint trial of the case in S.C.No.181 of 2019 on the file of the Hon'ble Additional District Judge, Krishnagiri and in the instant case on the file of the Judicial Magistrate, Uthangarai.

PRAYER in Crl.O.P.No.8797 of 2025: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,



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and Section 482 of Cr.P.C. to direct the learned Judicial Magistrate, Uthangarai to number and dispose the Protest Petition in Crl.M.P.No.5487 of 2023 on the file of the Judicial Magistrate, Uthangarai within the time frame fixed by this Court.

In both cases

For Petitioner : Mr.T.Gowthaman
Senior Counsel
for Ms.S.Deepika

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

COMMON ORDER

In Crl.O.P.No.8789 of 2025, this Criminal Original Petition has been filed seeking a direction to the Additional District Judge, Krishnagiri to send back the records pertaining to the Crl.M.P.No..5847 of 2023 in R.C.S.No.20 of 2022 in Crime.No.53 of 2019 to the file of learned Judicial Magistrate, Uthangarai for early disposal of the same and to conduct joint trial of the case in S.C.No.181 of 2019 on the file of the Hon'ble Additional District Judge, Krishnagiri and in the instant case on the file of the Judicial Magistrate, Uthangarai.



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2. In Crl.O.P.No.8797 of 2025, this Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate, Uthangarai to number and dispose the Protest Petition in Crl.M.P.No.5487 of 2023 on the file of the Judicial Magistrate, Uthangarai.

3. Heard the learned counsel appearing on either side and perused the materials placed on record.

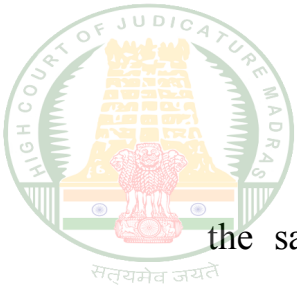
4. It is seen from the records that the petitioner is the first accused and the other accused in Cr.No.51 of 2019 under Sections 147, 148, 323, 324, 326 & 302 of IPC and subsequently charge sheeted as S.C.No.181 of 2021 on the file of the Additional District, Judge, Krishnagiri and the same was pending for trial. The petitioner and the other accused filed counter case and the same has been registered in Cr.No.53 of 2019 on the file of the respondent. However, after completion of investigation, the respondent police closed the case in Cr.No.53 of 2019. Pursuant to the same, the petitioner filed a protest



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petition and the same was allowed as C.C.No.15 of 2020 and the same was closed suo-motu on 02.09.2022. Aggrieved by the same, the petitioner filed protest petition and the same has been numbered as Crl.M.P.No.5487 of 2023 and the same is pending for adjudication.

5. The learned Senior Counsel appearing for the petitioner would submit the petitioner is the first accused in S.C.No.181 of 2019 . The very same two complaints have been lodged before the respondent police, however, the complaint lodged by the counter party i.e., the defacto complainant has been taken cognizance in S.C.No.181 of 2019. Therefore, the relevant records may be sent from the file of the Additional District Court, Krishnagiri to the file of the Judicial Magistrate Court, Uthangarai to dispose the direction petition filed by the petitioner. Two FIRs have been registered in which, on the complaint lodged by the petitioner, the respondent police registered the FIR in Cr.No.53 of 2019 under Sections 147, 148, 294(b), 324 and 379 of IPC but later referred as RC.S. The learned Judicial Magistrate, Uthangarai, closed the C.C.No.15 of 2019. Pursuant to the same, the petitioner filed transfer petition in Crl.M.P.No.505 of 2023 under Section 408 of Cr.P.C before the Principal District Judge, Krishnagiri to be heard along with



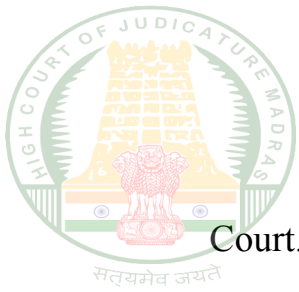
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the said S.C.No.181 of 2019 pending before the Additional District Judge, Krishnagiri and the same was dismissed by the Principal District Sessions Judge, Krishnagiri on 16.08.2023 on the ground that the counter case was not on file as on that date. In pursuant to the same, the petitioner has filed Crl.M.P.No.5487 of 2023 and the same was pending for adjudication. The petitioner has been facing trial for offence under Section 302 of IPC in S.C.No.181 of 2019 before the Additional District Judge, Krishnagiri.

6. Heard the learned counsel on either side and also perused the material evidence on record.

7. That part, in both the cases investigation was completed separately. If the learned Judicial Magistrate, Uthangarai is taking cognizance on the closure report in Cr.No.53 of 2019 and on the direction petition filed by the petitioner, then the procedure contemplated under Police Standing Orders 566 will come into force.

8. Therefore, in order to dispose the direction petition there is absolutely no need to call for records from the concerned Magistrate



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Court. The learned Judicial Magistrate can independently proceed and decide the matter on perusal of the direction petition and separate witnesses.

9. Considering the facts and circumstance of the case, this Court is inclined to pass the following orders:-

i) The learned Judicial Magistrate, Uthangarai is directed to dispose the direction petition in Crl.M.P.No.5487 of 2023 within a period of eight weeks from the date of receipt of a copy of this order.

ii) It is made clear that if any records already sent to the file of the Additional District Court, Krishnagiri, in which direction petition in Crl.M.P.No.5487 of 2023, the learned Additional District Judge, Krishnagiri is directed to send back the records in Crl.M.P.No.5487 of 2023 to the file of learned Judicial Magistrate, Uthangarai along with relevant records.



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iii) The learned Additional District Judge, Krishnagiri, is directed to proceed with the trial in S.C.No.181 of 2019 and dispose the same in accordance with law.

9. These Criminal Original Petitions are disposed of accordingly.

25.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kkd

To

- 1 The Inspector of Police,
Samalpatti Police Station,
Uthangarai, Krishnagiri District.
2. The Additional District Judge, Krishnagiri.
3. The Judicial Magistrate, Uthangarai.
4. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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