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Crl.O.P.No. 30001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No. 30001 of 2024

and

Crl.M.P.Nos. 16929 & 16930 of 2024

Pushpalatha

... Petitioner

Vs

1. The State represented by,
The Inspector of Police,
Eriyur Police Station,
Dharmapuri.

2. Tamizhselvi

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records relating to C.C.No.15 of 2024 on the file of the learned Judicial Magistrate Court, Pennagaram and to quash the same as illegal in sofaras the petitioner is concerned.

For Petitioner : Mr.A.K.Sriram, Senior Advocate
For Mr.A.S.Kailasam and Associates

For R1 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

For R2 : Mr.V.Rajamohan



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ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C.No.15 of 2024 on the file of the learned Judicial Magistrate Court, Pennagaram and to quash the same as illegal, insofar as the petitioner is concerned.

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

3. Learned Senior Counsel appearing for the petitioner submitted that, with regard to the dispute between the parties, the second respondent made a complaint as against the petitioner before the respondent-Police and the same was assigned as CSR No.74 of 2019. Similarly, the petitioner has also made a complaint as against the second respondent before the respondent-Police and the same was assigned as CSR No.75 of 2019. Further, one Muthulakshmi has given a complaint

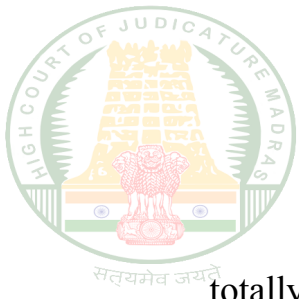


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on 13.11.2019 and the same was registered in Crime No.195 of 2019 with regard to the dispute between the parties. Thereafter, the parties had entered into a compromise. Based on the same, the first respondent-Police sent a closure report to the jurisdictional Magistrate. Thereafter, the second respondent neither challenged the closure report nor filed any protest petition to prosecute the case in Crime No.195 of 2019. Thereafter, the second respondent filed a private complaint under Section 200 Cr.P.C., on the file of the Judicial Magistrate, Ponnagaram in C.C.No.15 of 2024, wherein, the petitioner has been arrayed as A2. The complaint made in C.C.No. 15 of 2024 is nothing but abuse of process of law. Earlier complaint was closed based on the settlement arrived at between the parties. Unless the parties challenged a compromise or closure report, they cannot file another separate complaint on the same cause of action, which is nothing but abuse of process of law. Therefore, the complaint made in C.C.NO.15 of 2024 deserves to be dismissed.

4. Learned counsel for the second respondent submitted that



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totally, there are five accused in the case. The petitioner has been arrayed as A2. A2 alone has filed the present criminal original petition. Further, he submitted that there are *prima facie* materials available as against the petitioner. In the earlier complaint and also in the present complaint, the Court has to decide the matter on merits and the same cannot be quashed. Hence, the criminal original petition is liable to dismissed.

5. Admittedly, based on the complaint given by one Muthulakshmi, a case was registered as against the respondent and others also in Crime No.195 of 2019. The petitioner and the second respondent made complaints against each other before the respondent-Police. Thereafter, the parties entered into a compromise and made a report before the respondent-Police. Based on the same, the respondent police closed the complaint and also sent a closure report before the jurisdictional Magistrate. Despite service of notice on the second respondent, he neither challenged the closure report nor filed any protest petition to prosecute the complaint given by the petitioner, nor challenged



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the compromise entered into between the parties. The second complaint on the same cause of action, is not maintainable. Hence. C.C.No.15 of 2024 on the file of the learned Judicial Magistrate Court, Pennagaram, insofar as the petitioner is concerned is hereby quashed. Hence, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

13.06.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Judicial Magistrate Court, Pennagaram
2. The Inspector of Police,
Eriyur Police Station,
Dharmapuri.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J

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