



CRL.OP(MD). No.1873 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

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**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

CRL.OP(MD). No.1873 of 2023

and

CRL.MP(MD). Nos.1649 of 2023 and 13914 of 2024

1.Thalakku

2.Mugesh

... Petitioners /Accused Nos.1&2

**Vs.**

1.The State rep by,  
The Inspector of Police,  
Chinnamanur Police Station,  
Chinnamanur,  
Theni District.  
(Crime No.1823 of 2020)

... 1<sup>st</sup> Respondent /  
Complainant

2. Gopal

... 2<sup>nd</sup> Respondent /  
Defacto complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the impugned charge sheet in C.C.No.317 of 2020 on the file of the learned Judicial Magistrate Court, Uthamapalayam and quash the same.



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For Petitioner : Mr.S.Muthumalai Raja  
For R1 : Mr.A.Albert James,  
Government Advocate  
(Crl. Side)  
For R2 : Mr.T.Sakthikumaran

### **ORDER**

This petition has been filed to quash the proceedings pending in C.C.No.317 of 2020 on the file of the learned Judicial Magistrate Court, Uthamapalayam.

2. In the instant case, there was a case and counter case registered in Crime Nos.1822 of 2020 and 1823 of 2020. On completion of investigation in Crime No.1822 of 2020, the police report was filed and it was taken on file in C.C.No.115 of 2024 on the file of the learned Judicial Magistrate, Uthamapalayam. On completion of investigation in Crime No.1823 of 2020, a final report came to be filed in C.C.No.317 of 2020 before the same Court and the same has been put to challenge in the present quash petition.



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3. When the matter came up for hearing during the last occasion, this Court indicated that since it involves a case and counter case, there is no question of quashing one of the case and either both the cases must go on as per the guidelines issued by the Full Bench of this Court or if the parties are agreeable, both the cases can be quashed and a quietus can be given.

4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that he has returned back the bundle and given change of vakalat. Mr.S.Muthumalai Raja, the learned counsel undertakes to file vakalat for the petitioners.

5. In the considered view of this Court, the petitioners are not inclined to give a quietus to this case and they want to prosecute this case. Therefore, the only option available is to direct the learned Judicial Magistrate, Uthamapalayam to deal with both the cases as per the guidelines issued by the Full Bench of this Court in *T.Balaji and Another Vs. The State represented by the Inspector of Police, Chennai and Another* reported in 2024 (2) LW (Crl) 175. There is no question of



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quashing one case and allowing the other case to continue since both the cases arise out of the same incident. Therefore, whatever grounds are raised by the petitioners in this quash petition can be raised before the Court below and the same will be considered on its own merits and in accordance with law.

6. In the light of the above discussion, the learned Judicial Magistrate, Uthamapalyam is directed to take up C.C.Nos.317 of 2020 and 115 of 2024 and deal with the same as per the guidelines issued by the Full Bench of this Court in ***T.Balaji*** case referred supra. The proceedings shall be completed within a period of 4 months from the date of receipt of a copy of this order.

7. This criminal original petition is disposed of in the above terms. Consequently, the connected miscellaneous petitions are closed.

**03.01.2025**

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

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To

1. The Judicial Magistrate Court,  
Uthamapalayam .
2. The Inspector of Police,  
Chinnamanur Police Station,  
Chinnamanur,  
Theni District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**N.ANAND VENKATESH,J.**

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Order made in  
**CRL.OP(MD). No.1873 of 2023**

**03.01.2025**