



Crl.O.P.No.1922 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.1922 of 2026

1. Sakthivel
 2. Revthi
- ... Petitioners

Vs.

1. The State of represented by,
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.

(Crime No.147 of 2021)

2. Prema
- ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records relating to C.C.No.224 of 2023 pending adjudication before the Additional Mahila Court, Judicial Magistrate, Perambalur and quash the same.

For Petitioners : Mr.M.Ragavan

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings pending against the petitioner in C.C.No.224 of 2023, on the file of the Additional Mahila Court, Perambalur.

2. The case of the prosecution is that on 01.03.2021, due to previous enmity, the accused abused the de facto complainant and her daughter in filthy language, assaulted them with wooden logs and threatened with dire consequences. Based on the complaint lodged by the second respondent/*de facto* complainant, a case in Crime No.147 of 2021 was registered on 02.03.2021 for the offences under Sections 294(b), 323, 324, 506(II) of IPC and Section 4 of the TN Prohibition of Harassment of Women Act, 2002. After completion of the investigation, the final report was filed before the Court concerned and the learned Magistrate took cognizance of the same and numbered it as C.C.No.224 of 2023, which is now sought to be quashed.

3. Learned counsel appearing for the petitioners submitted that the de facto complainant and her family were the aggressors who picked up a quarrel and in respect of the same incident, the first petitioner herein had

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lodged a complaint against the second respondent herein and others. Based on the said complaint, a case in Crime No.146 of 2021 was registered under Sections 147, 148, 294(b), 324 and 506(II) of IPC. He further submitted that only as counterblast to the petitioners' complaint, the present case was registered by the second respondent. He also submitted that proceeding with the trial against the petitioners would amount to an abuse of process of law.

4. Learned Government Advocate (Criminal Side) appearing for the first respondent submitted that this is a case of case and counter and that in respect of the incident occurred on 01.03.2021, two First Information Reports were registered. He further submitted that first respondent, after completion of the investigation, filed final reports in both cases before the same court, following PSO 566 and that in respect of the case in Crime No.146 of 2021, cognizance was taken in C.C.No.69 of 2023. He also submitted that as far as this case is concerned, the victim sustained injuries and in respect thereof, the statement of the Doctor and the would certificate are also available. He further submitted that both the cases are being tried on different dates.



5. Heard both sides and perused the materials available on
WEB COPY record.

6. It is pertinent to note the judgment of the Hon'ble Apex Court in the case of ***Nathi Lal and other Vs State of U.P. and another*** reported in ***1990 (Supp) SCC 145***, the relevant portion of which is extracted hereunder:-

“We think that the fair procedure to adopt in a matter like the present where there are cross cases, is to direct that the same learned judge must try both the cross cases one after the other. After the recording of evidence in one case is completed, he must hear the arguments but he must reserve the judgment. Thereafter, he must proceed to hear the cross case and after recording all the evidence he must hear the arguments but reserve the judgment in that case. The same learned judge must thereafter dispose of the matters by two separate judgments. In deciding each of the cases, he can rely only on the evidence recorded in that particular case. The evidence recorded in the cross case cannot be looked into. Nor can the judge be influenced by whatever is argued in the cross case. Each case must be decided on the basis of the evidence which has been placed on record in that particular case without being influenced in any manner by the evidence or arguments urged in the cross case. But, both the judgments must be pronounced by the same learned Judge one after the other.”



7. Further, it is apropos to advert to the decision of the Full Bench of this Court in the case of ***T.Balaji & another Vs State*** reported in ***2024 SCC Online Mad 10644***, on the issue of simultaneous trial, the relevant portion of which is as follows:

“ANSWERS TO THE QUESTIONS REFERRED

69.In the light of the above discussion, the following are our answers to the question referred to us vide order dated 21.03.2024:

.....

c.The police will take note of and scrupulously follow the guidelines set out in paragraph 58-A, supra.

d.Trial of a case and counter case shall be held simultaneously before the same Court and the guidelines set out in paragraph 58-B, supra, shall be followed.

70.The reference is answered on the aforesaid terms. The individual cases will now be placed before the appropriate Bench for disposal in accordance with law.”
(emphasis supplied by this Court)

8. Taking note of the facts and circumstances of the case, this Court is not inclined to quash the impugned proceedings against the petitioners. However, admittedly, the cases in C.C.No.224 of 2023 and C.C.No.69 of 2023 are case and counter case arising out of the same occurrence. Therefore, this Court is of the opinion that the learned trial Judge shall follow the procedure laid down by the Hon’ble Supreme Court in ***Nathi Lal***, *supra* and also the judgement of the Full Bench of this Court in ***T.Balaji***, *supra*.



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9. Accordingly, the learned Judicial Magistrate, Additional Mahila Court, Perambalur, is directed to try both the cases in C.C.No.224 of 2023 and C.C.No.69 of 2023 simultaneously and to scrupulously follow the guidelines set out in Paragraph 58 – B of the judgement of the Full Bench of this Court in ***T.Balaji, supra***. The learned Magistrate shall also ensure that the trials in both the cases are disposed at the earliest.

10. Accordingly, this Criminal Original Petition stands dismissed.

30.01.2026

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate,
Additional Mahila Court,
Perambalur,
2. The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
3. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.

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