



WEB COPY

CRL OP No. 7890 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 7890 of 2026
and CRL.MP.Nos.5620 and 5621 of 2026**

1.Thangarasu

2.Baskar

..Petitioner(s)

Vs

1.The Inspector of Police
Thittagudi Police Station,
Cuddalore District.
Cr.No.517 of 2022

2.Mookkaayi

..Respondent(s)

To call for the records pertaining to a case in CC No.2/2024 on the file of the Judicial Magistrate Court Thittagudi, at Cuddalore District and quash the same.

For Petitioner(s): M/s. K. Karuppaiya Mooppanar

For Respondent(s): Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor, for R1

ORDER

The petitioners, who are facing trial in C.C.No.2 of 2024 for the offence under Sections 294(b), 323, 324, 506(i) IPC have filed this petition seeking to quash the proceedings.



2. The contention of the petitioners is that they and the defacto complainant hail from the same Village. On the date of occurrence, after grazing cattle, the petitioners were bringing them back to their house. At that time, the second respondent/defacto complainant, who was engaged in some work, had obstructed the way. When the petitioners requested her to remove the obstruction, it resulted in a wordy quarrel. Consequently, the present complaint has been lodged.

3. It is further submitted that the defacto complainant is the aggressor, who had actually committed the offence. The petitioners had earlier lodged a complaint against the defacto complainant and others, which was registered as Crime No.518 of 2022. Thus, the present case is one of the case and counter case. However, the stage of the counter case was not known to the petitioners at the time of filing this petition. It is also contended that without following the Police Standing Order 566, the charge sheet has been filed in the present case.

4. The learned Additional Public Prosecutor submitted that based on the complaint of the petitioner, a case in Crime No.518 of 2022 was registered against the second respondent and others. The investigation in that case has been completed and the same is now pending trial in STC.No.16 of 2024 before the Judicial Magistrate Court, Titagudi. Both cases are pending before the same Court, and the Police Standing Orders have been duly followed.



5. Considering the submissions, this Court is of the view that since it is a case and counter case, the quash petition cannot be entertained. It is for the petitioners to establish their defence before the Trial Court, as the matter involves disputed questions of fact, including who was the aggressor and the manner in which the occurrence took place.

6. In such circumstances, both C.C.No.2 of 2024 and STC.No.16 of 2024 shall be taken up together by the Trial Court, tried simultaneously, and judgments shall be delivered on the same day by separate judgments in each case.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To
1. The Judicial Magistrate Court Thittagudi,
Cuddalore
2. The Inspector of Police
Thittagudi Police Station,
Cuddalore District.



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M.NIRMAL KUMAR, J.

PVS

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