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CRL OP No. 11530 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 11530 of 2026
and CRL.MP.Nos.8303 & 8304 of 2026**

Madasoundarapandian

..Petitioner(s)

Vs

1. State represented by,
The Sub-Inspector of Police,
Vellakovil Police Station,
Tiruppur District.
2. Nagarathinam

..Respondent(s)

To QUASH the C.C.No.23 OF 2026 on the file of the Judicial Magistrate Court, Kangayam pending and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case, and thus render justice.

For Petitioner(s):

M/s.L.Infant Dinesh

For Respondent(s):

Mr.A.Amarnath,
Government Advocate, for R1



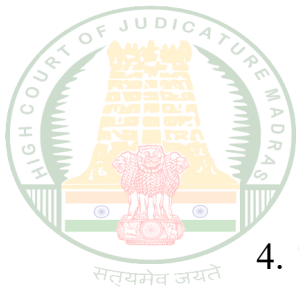
ORDER

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The petitioner/accused, who is facing trial in C.C.No.23 of 2026 on the file of the Judicial Magistrate Court, Kangayam, has filed the present quash petition.

2. The learned counsel for the petitioner submitted that the petitioner had earlier lodged a complaint against the second respondent and his family members alleging trespass and assault, pursuant to which a case in Crime No.388 of 2025 was registered. Upon completion of investigation, charge sheet was filed and taken on file as C.C.No. 22 of 2026. Both cases are pending trial before the Judicial Magistrate No.I, Kangeyam.

3. The learned counsel for the petitioner further submitted that both the petitioner and the second respondent own adjacent lands and that a civil suit is pending between them. According to the petitioner, the second respondent and his family members were the aggressors in the occurrence. It was further submitted that the petitioner is serving in the Police Department and that the present case has been falsely registered and prosecuted with the intention of affecting his service. In such circumstances, the continuation of the criminal proceedings against the petitioner amounts to an abuse of process of law. Hence, he prayed for quashing of the complaint.



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4. The learned Government Advocate (Crl. Side) submitted that, on the complaint by the petitioner, a case in Crime No.388 of 2025 was registered. Subsequently, the second respondent and his family members also lodged a complaint against the petitioner, based on which a case in Crime No.389 of 2025 was registered. Upon completion of investigation, charge sheets were filed in both cases, namely C.C.No.22 of 2026 and C.C.No.23 of 2026. It was further submitted that C.C.No.23 of 2026 has been posted for examination of DW1 to DW4, whereas C.C.No.22 of 2026, is pending service of summons on the accused. Since they are case in counter, both the cases are required to be tried together.

5. The learned Government Advocate (Crl. Side) further submitted that, in Crime No.388 of 2026, the petitioner lodged complaint against five named persons. However, in the final report, one Easwaramurthy, an advocate, who was alleged to have instigated the offence and assaulted the petitioner, was omitted from the array of accused. Therefore, the petitioner filed a protest petition, which was allowed.

6. Considering the above submissions, it is not in dispute that C.C.No.22 of 2026 and C.C.No.23 of 2026 are case in counter. In one case, summons have been issued, whereas the other case is pending service of summons on the



accused. Such a course is not proper, as both cases ought to be tried simultaneously. In view of the above, this Court directs the Trial Court to conduct the trials in both the cases simultaneously, though separately, and to render judgments in both matters on the same day.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

02-06-2026

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

To

1. The Judicial Magistrate Court, Kangayam
2. The Sub-Inspector of Police,
Vellakovil Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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