

CrI.O.P.(MD)No.16975 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.16975 of 2023

and

CrI.M.P.(MD) No.13493 of 2023

Mathan Kumar

... Petitioner

Vs.

1. The Inspector of Police,
Kalugumalai Police Station,
Kalugumalai,
Thoothukudi District.
Crime No. 83 of 2023.

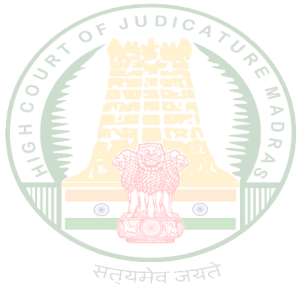
2. Dinesh Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned proceedings in STC No. 83 of 2023 on the file of the learned Judicial Magistrate court No.I, Kovilpatti and quash the same as illegal as against the petitioner is concerned.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (CrI. Side)
for R1
Mr.R.Anand
for Mr.P.Saravanan for R2



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ORDER

This petition has been filed seeking to quash the proceedings pending in STC No. 83 of 2023 on the file of the learned Judicial Magistrate Court No.I, Kovilpatti.

2.The case of the prosecution is that the second respondent is a Panchayat President. There was a land dispute between the petitioner and one Muralidharan. On 17.05.2023, the petitioner is said to have posted a news against the defacto complainant in the Facebook. A complaint was given in this regard. On 18.05.2023 at about 7.00 p.m., when the defacto complainant was talking with his friends, the petitioner is said to have come to the spot and abused him in filthy language and threatened with dire consequences and also assaulted him.

3.For the very same incident, based on the complaint given by the petitioner, an FIR came to be registered in Crime No.142 of 2022 as against the second respondent and four others.



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4.The investigation was completed in both the cases by different Investigation Officers and insofar as Crime No.83 of 2023 is concerned, it ended in S.T.C.No.1489 of 2023 before the learned Judicial Magistrate No.I, Kovilpatti. Insofar as Crime No.142 of 2023 is concerned, it ended up in a final report taken on file in S.T.C.No.478 of 2024 before the same Court.

5.Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the first respondent and the learned counsel appearing for the second respondent.

6.In the considered view of this Court, both the final reports are liable to be interfered by this Court for the simple reason that two different Investigation Officers have investigated the cases. This is in contravention of the judgment of Full Bench in *T.Balaji and another v. The State*, reported in *2024-2-L.W.(Crl.)175*.

7.The same investigation officer will have to investigate both the case and counter-case and must find out the real aggressor.



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Here, two different investigation officers have investigated independently and police report has been filed mechanically in both the cases. Hence, both the police reports are illegal.

8.In the light of the above discussion, the proceedings in S.T.C.No.83 of 2023 and S.T.C.No.478 of 2024 on the file of the learned Judicial Magistrate Court No.I, Kovilpatti, are liable to be quashed and accordingly, the same is quashed. This Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

18.12.2024

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



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To

- 1.The Judicial Magistrate court No.I, Kovilpatti.
- 2.The Inspector of Police,
Kalugumalai Police Station,
Kalugumalai,
Thoothukudi District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

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Dated: 18.12.2024