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SLP(Crl.)No. 1877 OF 2003  
ITEM No.42

Court No. 4

SECTION IIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 1877/2003

(From the judgement and order dated 27/02/2003 in CRLOP 760/03  
of The HIGH COURT OF MADRAS)

P. CHANDRASEKARAN

Petitioner (s)

VERSUS

STATE REP.BY INSPECTOR OF POLICE & ANR.

Respondent (s)

( With Appln(s). for stay )  
( With Office Report )

Date : 11/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)  
Mr. T.N. Rao, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
O R D E R

Appeal is allowed in terms of the signed order.

[Ganga Thakur][Prem Prakash]  
P.S. to Registrar Court Master

(Signed Order is placed on the filed)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.970/2003  
(Arising out of SLP(Crl.No.1877/2003)

P. Chandrasekaran .. Appellant(s)

-Versus-

State rep. by Inspector.. Respondent(s)  
of Police & Anr.

O R D E R

Leave granted.

In spite of service of notice and having taken time to file vakalatnama and counter-affidavit the respondent State is not represented. The second respondent, the original complainant is also not present in spite of service of notice. This appeal is filed challenging the order of the High Court whereby the High Court of Madras disposed of the criminal petition filed by the appellant for quashing the complaint filed against the appellant dated 1.12.2002 in Crime No. 30/02 in Women Police Station Cantonment, Trichy, on the ground that the respondent No.2 herein had earlier filed a complaint on 9.10.2001 before the same police on the same set of facts and while the said complaint is being investigated, the second respondent has filed another complaint which can not be entertained by the police. The High Court, however, after perusing the complaint came to the conclusion that the second complaint is not identically same as the first complaint hence dismissed the petition.

We have perused the complaint. In our opinion both the complaints dated 9.10.2001 and dated 1.12.2002 are on the same factual basis, therefore, it will not be open to the police to investigate the second complaint while the first complaint is still being investigated in which all the allegations made in the first complaint are incorporated. In this view of ours we are supported by the judgment of this Court in T.T. Antony vs. State of Kerala & Ors. reported in 2001(6)SCC 181.

Following the said judgment we quash the complaint dated 1.12.2002 in Crime No.30/02 in the Women Police Station, Cantonment, Trichy. However, it will be open to the said police to investigate the first case on the basis of all factual matters raised in the first complaint dated 9.10.2001.

With the above observations this appeal stand allowed.

.....J.  
(N. Santosh Hegde)

.....J.  
(B.P. Singh)  
New Delhi,  
August 11, 2003.