

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.29947 of 2015

1.A.Jeevagan
2.A.Arulnithi

... Petitioners

Vs.

1. The State Rep. by
Inspector of Police,
Central Crime Branch
Chennai.
Crime No.175 of 2014.

2. D.Ganesan ... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the Crime No.175 of 2014 on the file of the Central Crime Branch, Chennai and quash the same.

For Petitioners : Mr.M.Guruprasad
For Respondents : Mr.C.Emalias for R1
Additional Public Prosecutor

ORDER

This petition is filed praying to call for the records relating to the Crime No.175 of 2014 on the file of the Central Crime Branch, Chennai and quash the same.

2.The petitioners are the accused in Crime No.175 of 2014 registered on 07.04.2014 for the offence punishable under Sections 420, 468 and 471 of IPC and Section 12 of Passport Act. The case of the prosecution is that a friend of the defacto complainant had shown the mistakes committed by these petitioners in their passport. It is alleged in the complaint that the first petitioner had two passports and the second petitioner has given different date of birth in his passport. Hence, the defacto complainant through his Advocate had approached this Court and got a direction.

3.The learned counsel appearing for the petitioners submitted that the allegations in the complaint do not

constitute any cognizable offence and inspite of the same a case has been registered in Crime No.175 of 2014 and thus, he sought for quashing of the FIR.

4.The learned Additional Public Prosecutor submitted that on completion of investigation, the case was referred as mistake of fact and has also produced a copy of the same for the perusal of this Court.

5.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor.

6.In view of the submissions made by the learned Additional Public Prosecutor, since already the matter was referred as 'mistake of fact, now nothing survives in this petition for adjudication and hence, this Criminal Original Petition is **(*) closed**. However, this Court directs the respondent police to file the RCS before the Chief Metropolitan Magistrate, Egmore, Chennai within a period of two weeks from the date of receipt of a copy of this order.

pri

s/d-

Assistant Registrar(CCC)

Dt:7.1.2016

(*) Corrected as per order of this court dt.20.1.2016 and made in Crl.O.P.No.29947 of 2015.

s/d-

Assistant Registrar(CCC)

Dt: 21.1.2016

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Central Crime Branch
Chennai.
Crime No.175 of 2014.

Corrected order to be substituted
for the order already despatched
on 18.1.2016.

2. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.M.Guruprasad, Advocate SR 3394

gr(co)
prk21/1

Crl.O.P.No.29947 of 2015