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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

Crl.O.P.(MD)No.11924 of 2015

Dr.Muthu : Petitioner

-Vs-

1.The Superintendent of Police,
Pudukottai.

2.The Inspector of Police,
Manamelgudy Police station,
Pudukottai District. : Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct 2nd respondent police to register a complaint, dated 23.06.2015 given by the petitioner.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.K.V.Rajajan
Government Advocate
(Criminal side)

For Intervenor : Mr.Veera Kathiravan

O R D E R

This petition is filed seeking for direction to the 2nd respondent police to register a case, based on the complaint of the petitioner, dated 23.06.2015.

2.The learned Government Advocate (Criminal side) submitted that the respondent has conducted enquiry and the same was closed as ''Mistake of Fact''.

3.The learned counsel for the petitioner submitted that the petitioner was working as Doctor and he has retired from the Government service and he is running a hospital and the complaint makes out the offence of SC/ST (Prevention of Atrocities) Act and therefore, without register a case, the respondent police cannot close the petition as ''Mistake of Fact''.

4.Mr.Veera Kathiravan, learned counsel for the intervenor submitted that the petitioner is misusing the provisions of SC/ST (Prevention of Atrocities) Act and he is making a false complaint not only against the intervenor, but also against so many persons. The learned counsel further submitted that the entire allegation made in the complaint was false, which was given with an ulterior motive and to wreck vengeance against the intervenor. It is further submitted that the earlier complaint of the

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petitioner, dated 17.05.2015 was closed as Mistake of Fact and this is the second complaint with similar set of allegation and the present petition is filed by abusing the process of law.

5.Considering the submission of the learned Government Advocate (Criminal side) that the respondent police had already conducted enquiry and closed the case as ''Mistake of Fact'', this petition is dismissed giving liberty to the petitioner to take appropriate action as per law.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To.

1.The Superintendent of Police,
Pudukottai.

2.The Inspector of Police,
Manamelgudy Police station,
Pudukottai District.

+1cc to M/S.D.Senthil, Advocate in SR.No 37041

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