



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2015

CORAM:

THE HON'BLE MR.JUSTICE T.MATHIVANAN
Crl.O.P.(MD) Nos.2503 and 2555 of 2014

WEB COPY

Masood .. Petitioner/A1 in Crl.O.P(MD)No.2503/2014
Nagoormeeran .. Petitioner/A2 in Crl.O.P(MD)No.2555/2014

Vs.

1.State rep. by its
The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.

2.I.Ismail .. Respondents in both Crl.O.Ps.

Crl.O.P(MD)No.2503 of 2014:- Criminal Original
Petition filed under Section 482 of the Code of Criminal
Procedure, to call for the records relating to the impugned First
Information Report registered Crime No.430 of 2013 on the file of
the Kadayanallur Police Station, Tirunelveli District and quash
the same in so far as the petitioner herein/1st accused.

Crl.O.P(MD)No.2555 of 2014:- Criminal Original
Petition filed under Section 482 of the Code of Criminal
Procedure, to call for the records relating to Crime No.430 of
2013 on the file of the Kadayanallur Police Station, Tirunelveli
District and quash the same.

For Petitioner
in Crl.O.P.No.2503/14 : Mr.A.Saravanan

For Petitioner
in Crl.O.P.No.2555/14 : Mr.N.Dilip Kumar

For 1st Respondent : Mr.P.Kandasamy
Government Advocate
[Criminal side]

For 2nd Respondent : Mr.A.Ramar

COMMON ORDER

Invoking the provisions of section 482 of the Code of
Criminal Procedure, these petitions are filed by the petitioners
to call for the records relating to the case in Crime No.430 of 2013
on the file of the first respondent and to quash the same.



2. Heard Mr.A.Saravanan, the learned counsel appearing for the petitioner in Crl.O.P(MD)No.2503 of 2014, Mr.N.Dilip Kumar, the learned counsel for the petitioner in Crl.O.P(MD)No.2555 of 2014 and Mr.P.Kandasamy, the learned Government Advocate (Criminal side) appearing for the first respondents as well as Mr.A.Ramesh, the learned counsel appearing for the second respondent in both the petitions.

3.It appears that both the petitions have been filed by the petitioners to quash the criminal proceedings in Crime No.430 of 2013, which is pending investigation on the file of the first respondent.

4.When the matter is taken up for hearing, the learned Government Advocate (Criminal side) submitted that since the allegations made in the above said case in crime No.430 of 2013 are relating to civil in nature, both the parties were called to the police station and the matter was closed on 29.09.2013 advising the parties to seek remedy before the civil court and he has also produced a copy of the final report submitted by the first respondent police to the Judicial Magistrate, Tenkasi.

5.The learned counsel for the second respondent has submitted that even the matter relating to civil nature, the criminal offence will lie and in support of his contention, he has also placed reliance of the Hon'ble Apex Court in *Vijayander Kumar and others vs. State of Rajasthan and another* [(2014)3 SCC 389].

6.But in so far as this case is concerned, the first respondent has conducted the enquiry and thereafter, closed the matter on 29.09.2013 and therefore, nothing survives to be quashed in this matter.

7.In view of the above, both the petitions are closed as infructuous.

Sd/-
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

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To,

1. The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.



2.The Additional Public Prosecutor,
Bench of Madras High Court, Madurai.

+1CC TO MR.A.SARAVANAN,ADVOCATE IN SR NO.15130

+1CC TO MR.N.DILIPKUMAR,ADVOCATE IN SR NO.15774

+1CC TO MR.A.RAMAR, ADVOCATE IN SR NO.15166

Cr1.O.P.(MD) No.2503 and 2555 of 2014

27.03.2015

RG.05.06.2015 3P/6C