



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.No.7628 of 2014

and

M.P.(MD)No.2 of 2014

K.CHANDRAMOHAN

.. Petitioner/Sole Accused

Vs.

1. THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
IN CR.NO.319/13,
MADURAI DISTRICT.

2. THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT.

3. LATCHIYA CHIDAMBARAM

.. Respondents/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the FIR in Crime No.319 of 2013 on the file of the 1st Respondent and quash the same.

For Petitioner	:	Mr.K.Muthumalai
For R1 & R2	:	Mr.K.Anbarasan
		Government Advocate, (Crl. Side)
For R3	:	Mr.R.Srinivasan

O R D E R

This petition has been filed to quash the FIR registered in Crime No.319 of 2013 on the file of the 1st Respondent for the offences under Sections 420 and 506(i) IPC.

2. It is seen that an earlier complaint was registered in Crime No.396 of 2012 on the file of the first respondent and pursuant to investigation, a referred charge sheet has been filed informing the complaint to be a mistake of fact. In passing orders in Crl.O.P.(MD) No.11871 of 2013 on 30.09.2013, this Court while granting relief under Section 438 Cr.P.C. to this petitioner and one another, *inter alia* observed thus:-

"6.Considering the position that the earlier complaint of similar in nature referred by the de-facto complainant before the Othakadai Police Station, Madurai, in Crime No.396 of 2012 stood close as 'Mistake of Fact' that thereafter, this complaint stands registered in Crime No.319 of 2013 that despite the matter having been referred to the Mediation and Conciliation Centre, no progress could be made as the de-facto complainant failed to appear before the Mediation and Conciliation Centre, this court is of the view that the petitioners can be granted the relief prayed for."



3. Finding the preference of the second complaint in Crime No.319 of 2013 for the same cause of action an abuse of process of law, the FIR registered in Crime No.319 of 2013 by the 1st Respondent is quashed.

4. In the result, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
2. THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT.
3. The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Muthumalai, Advocate in SR.No.15265

CRL.O.P.No.7628 of 2014
and
M.P. (MD) No.2 of 2014
27.03.2015

raj2

PBK/KBM 19/06/2015 ::2P-5C::