

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.23849 of 2016

and

CrI.MP.11323 of 2016

K.Sivakumar

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Petitioner

Vs

1. Inspector of Police
Thoppur Police Station,
Dharmapuri District.

2. Raja Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.198/2016, on the file of the respondent police and quash the same.

For Petitioner : Mr.R.Prasadh

For R1 : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.198/2016, on the file of the respondent police and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3. Mr.N.Rajendran, SSI, Thoppur Police Station, Dharmapuri is present today.

4. On the complaint given by one Raja, the 1st respondent police have registered a case in Crime No.198 of 2016 dated 16.07.2016 for offence under Section 341 and 392 IPC against Sivakumar, challenging which, the petitioner is before this Court.

5. Learned counsel appearing for the petitioner submitted that the de-facto complainant Raja is a fictitious person and there is no such person by name Raja. In support of his contention, learned counsel appearing for the petitioner has

produced the certificate from the Village Administrative Officer and other revenue officials.

6. Per contra, learned Additional Public Prosecutor refuted the allegations and submitted that the investigation has almost been completed and the de-facto complainant is very much available. This Court cannot go into such disputed questions of fact under Section 482 Cr.P.C.

7. Under such circumstances, the respondent police is directed to file the final report before the jurisdictional Magistrate within four weeks from the date of receipt of a copy of this order. The matter is left open for the trial Court to decide and the petitioner is at liberty to raise all points before the trial Court.

With the above observation, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mk

To

1. The Inspector of Police
Thoppur Police Station, Dharmapuri District.

2. The Public Prosecutor
High Court, Madras

1 cc to MR.R. Prasad, Advocate, Sr. 63749

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