

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.4389 of 2013
and
MP.No.1 of 2013

S.Ahil Mani ... Petitioner/Accused

Vs.

1.The State of Tamil Nadu,
Represented by,
The Inspector of Police, (Crime),
F-3, Police Station,
Nungambakkam,
Chennai - 600 034. ... 1st Respondent / Investigating
Officer

2.M.S.Anwar Ali ... 2nd Respondent/ De-facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in F-3 Crime No.2306 of 2012, on the file of the Inspector of Police (Crime), F-3 Nungambakkam Police Station, the 1st respondent herein and quash the same.

For Petitioner : Mr. S.Mari Samy
For Respondents : Mr.T.Shanmugarajeswaran
Government Advocate for R.1
: Mr.P.Hari Babu for R.2

O R D E R

This petition has been filed by the accused to quash the First Information Report in Crime No.2306 of 2012 on the file of the first respondent.

2. Heard, Mr. S.Mari Samy, learned counsel appearing for the petitioner, Mr.T.Shanmugarajeswaran, learned Government Advocate appearing for the first respondent and Mr.P.Hari Babu, learned counsel appearing for the second respondent.

3.The learned Government Advocate, who is appearing for the first respondent has submitted that after registering the FIR,

the first respondent has conducted the investigation and referred the matter as mistake of facts. He further submitted that after serving notice to the de-facto complainant / second respondent, report has been filed before the concerned Court on 25.08.2018.

4. The learned counsel for the second respondent has submitted that no notice has been served on the second respondent before filing report before the concerned Court.

5. Considering the submissions made by the learned Government Advocate that already the matter has been referred as mistake of facts and report also has been filed before the concerned Court, this Criminal Original Petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed.

6. Considering the submissions made by the learned counsel for the second respondent, the first respondent is directed to send another notice to the second respondent by RPAD with regard to the filing of the referred charge sheet within a period of one week from today. It is open to the second respondent to avail any other remedy which is available under law.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gsp
To

1. The Inspector of Police, (Crime),
F-3, Police Station,
Nungambakkam,
Chennai - 600 034.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.HARIBABU, Advocate, S.R.No. 59665

Cr1.O.P.No.4389 of 2013
and MP.No.1 of 2013

KK(CO)
TR(31/08/2018)