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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.08.2018

CORAM:
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD)No.13512 of 2018
and
Crl.M.P(MD)No.6080 of 2018

1.Sureshkumar
2.Sasikumar
3.William ... Petitioners/Accused 1 to 3

Vs.

1.State rep. by
The Sub Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District. ...1st Respondent/Complainant

2.Merbin ...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned FIR in Crime No.402 of 2017, dated 29.12.2017 pending on the file of the first respondent herein and quash the same as illegal.

For Petitioners : Mr.B.Brijesh Kishore,

For R1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

This application is filed to call for the records relating to the impugned FIR in Crime No.402 of 2017, dated 29.12.2017 pending on the file of the first respondent and quash the same as illegal.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and also perused the materials available on record.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant has preferred a false complaint against the petitioners on the ground that the petitioners have demanded exorbitant interest for the money borrowed by the defacto complaint.

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4. It is submitted by the learned Additional Public Prosecutor that the case has been registered against the petitioner in Cr.No.402 of 2017 and after investigation, charge sheet has been filed on 01.08.2018 before the Judicial Magistrate, Padmanabhapuram and the same was not taken on file.

5. Recording the submissions made by the learned Additional Public Prosecutor, this petition is dismissed with liberty to the petitioners to challenge the charge-sheet, if so advised. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar(CS III)

To

1.The Sub Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

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

1CC TO MR. B. BRIJESH KISHORE, ADVOCATE SR 77157

Crl.O.P.(MD).No.13512 of 2018

02.08.2018

am
JM/RP/SAR 3/24.08.2018/2P/4C

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