



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

CRL.O.P.(MD) No.20347 of 2013

Jayaram

... Petitioner

Vs.

S.Baskaran

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to C.C.No.49/2013 on the file of the District Munsif cum Judicial Magistrate, Kamuthi and quash the same.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.A.Uthayakumar

ORDER

The respondent herein is a Government Servant. He hails from a respectable family. His grievance is that on account of the civil dispute between himself and the petitioner's family, there was an occurrence leading to registration of Cr.No.106 of 2010, on the file of the Abiramam police station. The petitioner was shown as a victim in the said criminal case. The respondent was shown as accused No-2. The lodging of the said criminal case had brought down the reputation of the respondent in the society. Therefore he has filed the present private complaint in C.C.No.49 of 2013 on the file of the Judicial Magistrate, Kamuthi.

2. It is not in dispute that when the impugned private complaint was filed, the aforesaid criminal case was still pending at the investigation stage. Only thereafter, mistake of fact report appears to have been filed. As on date, the matter is still pending at the stage of consideration of the protest petition lodged by the defacto complainant in Crime No.106 of 2010.

3. A person claiming to be a victim of a crime can certainly lodge a First Information Report and the persons accused in the said First Information Report cannot complain that they have been falsely implicated till the criminal prosecution attains finality. In this case, admittedly, when the private complaint was filed, the criminal prosecution was still pending in the investigation stage. There was absolutely no cause of action to the respondent herein to institute this complaint. No case stands made out. Even if the averments made in the private complaint are taken at their face value, no offence is made out against the petitioner herein. The impugned complaint is therefore quashed.



4. Accordingly, this Criminal Original petition stands allowed.

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Sd/-

Assistant Registrar(w)

Sub Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate,
Kamuthi.

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

+1CC TO MR.T.MURUGANANTHAM SR NO 61769

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