



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. [MD] No.3030 of 2019

and

Crl.M.P. (MD) No.1684 of 2019

1.Xavier Fernando
2.Micheal Antony Manoharan
3.Manoj Rodrigo : Petitioners/Accused Nos.1 to 3
Vs.

1.State rep. By its
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.27 of 2019) :1st Respondent/Complainant

2.Sanjay :2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.27 of 2019 on the file of the first respondent police and quash the same.

For Petitioner : Mr.R.J.Karthick

For Respondent R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

For R2 : M.Joseph Thatheus Jerome

ORDER

The present petition has been filed to quash the proceedings in Crime No.27 of 2019 pending on the file of the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent.

3. The learned counsel for the petitioner submitted that the case is all about whether the accused have clandestinely removed the car belonging to the complainant and therefore in the course of hearing of this case on earlier occasion, this Court required that if the prosecution can make available the transmission of the said car. This became necessary because according to the petitioners, who are all the erstwhile registered owners of the car, the car itself was transferred by the registered owner himself during his life time.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate (Crl.Side) submits that the



case filed by the petitioner has been enquired and closed as 'mistake of fact'.

5. Since the case has been closed as 'mistake of fact' and final report has been laid before the Magistrate Court, necessarily the entire matter has to be gone into all over again only in the eventuality if the defacto complainant feels aggrieved about the nature and quality of the final report laid by the Investigating Agency. In this scenario, this Court records that nothing survives in this case for the present and the defacto complainant / second respondent is directed to approach the concerned Magistrate Court to workout his remedies in accordance with law.

6. With the above observation, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

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Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.

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

+1 CC to M/s.M.JOSEPH THATHEUS JEROME, Advocate (SR-56080[F] dated 22/03/2019)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-56083[F] dated 22/03/2019)

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