



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Fourth day of April
Two Thousand and Nineteen

CORAM:

The Hon'ble Mr. Justice N. SESHASAYEE

CRL MP(MD). No.3251 of 2019
in
CRL OP(MD).No.21405 of 2018

1 M.VALLIYAMMAL
2 S.KALIMUTHU

... Petitioners/Petitioners

Vs

1 THE INSPECTOR OF POLICE, SANKARANKOIL TOWN POLICE STATION
TIRUNELVELI DISTRICT. (CRIME No.430/2012)

2 S.PRABAKARAN

... Respondents/Respondents

Prayer in CRL MP(MD). No.3251 of 2019 :-

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure code praying this Hon'ble Court to recall the Criminal Original Petition in Crl.OP(MD).No.21405 of 2018 order dated 04.12.2018 and to take appropriate action against the 1st Respondent for his misrepresentation before this Honourable Court.

Prayer in CRL OP(MD).No.21405 of 2018 :

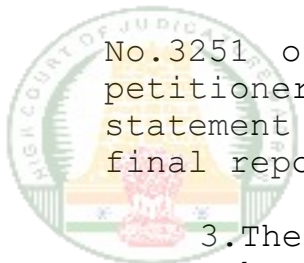
Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure code praying this Hon'ble Court to call for the records relating to FIR in Crime No. 430 of 2012 dated 07.07.2012 on the file of the Inspector of police, Town police station, sankarankovil, Tirunelveli district and quash the same as against these petitioners.

ORDER:-

Criminal Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. V.M.JAGADEESHAPANDIAN, Advocate for the Petitioner and of Mr. V.NEELAKANDAN, ADDITIONAL PUBLIC PROSECUTOR, on behalf of the 1st respondent, this Court made the following order:

The petitioners are the accused Nos.1 and 2 in Crime No.430 of 2012 and have filed Crl.O.P.(MD)No.21405 of 2018 to quash the same.

2.When the matter was taken up for hearing on 04.12.2018, a statement was made by the learned Government Advocate (Crl.Side) that final report has already been filed before the learned Judicial Magistrate, Sankarankovil. Based on that Crl.O.P.(MD) No.21405 of 2018 was closed. However, the present Crl.M.P.(MD)



No.3251 of 2019 is filed to recall the said order, closing the petitioner's Crl.O.P.(MD)No.21405 of 2018 on the ground that the statement made before this Court on 04.12.2018 was wrong, that no final report was laid and hence, the petition be heard.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that though the final report has been made ready, it was not laid before the Court. He also would submit that the learned Government Advocate (Crl.Side) has been wrongly instructed by the then Inspector of Police.

4.On a quarry by this Court, it was informed that one Mr.Perumal, was the then Inspector of Police, who is now serving as Inspector of Police at Arumanai Police Station, Kanyakumari District, has given instructions.

5.The petitioner is now directed to implead Mr.Perumal, Inspector of Police, Arumanai Police Station, Kanyakumari District as respondent in this petition.

6.Post the matter on 27.04.2019.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

TO

1 THE INSPECTOR OF POLICE, SANKARANKOIL TOWN POLICE STATION
TIRUNELVELI DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 COPIES)
(To List the case on 27/04/2019)



WEB COPY

TR (27.04.2019) 5P 5C

ORDER DATED : 24/04/2019

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ORDER

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CRL MP (MD) . No.3251 of 2019
in
CRL OP (MD) .No.21405 of 2018

Giving direction and etc.
as stated within.