



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.11582 of 2019

and

Crl.M.P. (MD) No.7078 of 2019

R.Iyaswamy : Petitioner/Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Suchindram Police Station,
Suchindram,
Kanyakumari District.

: Respondents /Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the second respondent to register a case as per the complaint of the petitioner dated 22.12.2018 in accordance with law.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

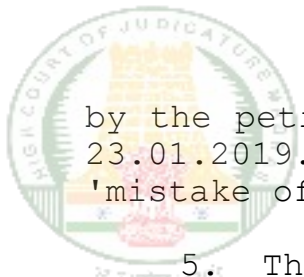
ORDER

This petition has been filed seeking direction to register a case based on the complaint of the petitioner dated 22.12.2018.

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

3. The grievance of the petitioner is that the petitioner has given a complaint before the second respondent police on 22.12.2018. But so far no action has been taken on the same. Hence, the petitioner has filed the present petition.

4. Today, when the matter was taken up for hearing, the learned Government Advocate (Crl.Side) appearing for the respondents, on <https://hcservices.ecourts.gov.in/hcservices/inspector>, would submit that already based on the complaint given



by the petitioner FIR has been registered in Crime No.39 of 2019 on 23.01.2019. Subsequently, same has been enquired into and closed as 'mistake of fact'.

5. The statement made by the learned Government Advocate (Crl.Side) is recorded. Since based on the complaint given by the petitioner, already a FIR has been registered and the same was enquired and closed as mistake of fact, the prayer as such sought for by the petitioner cannot be granted. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Suchindram Police Station,
Suchindram,
Kanyakumari District.

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

+1 CC to M/s.T. SELVAKUMARAN, Advocate (SR-82908[F] dated
22/08/2019)

Order made in
CRL.O.P. (MD) .No.11582 of 2019
Dated: 20.08.2019

JMN(25.10.2019) 2P : 5C