



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18297 of 2021

and

CrI.M.P.No.10049 of 2021

1.Abdul Azeez

2.Elumalai

... Petitioners

Versus

1.State Rep.by

Inspector of Police

J8-Neelankarai Police Station

Chennai

Crime No.233 of 2021.

2.MA Syed Mohammed

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.233 of 2021 on the file of the respondent Police and quash the same.

For Petitioner : Mr.V.Kannadasan

For Respondent : Mr.A.Damodaran for R1
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records in Crime No.233 of 2021 on the file of the respondent Police and quash the same.

2. The petitioners, who are the accused in Crime No.233 of 2021 for the offence under Sections 294(b) and 506(i) IPC, has filed this petition.

3. The learned Additional Public Prosecutor has submitted that this case has been closed as a "mistake of fact" on 10.10.2021 and RCS notice in RCS.No.3 of 2021 was served to the defacto complainant, but he is unable to produce the proof of the same.

4. In view of the same, the first respondent Police is



directed to serve RCS Notice to the second respondent and also file the same before the Lower Court. Thereafter, the second respondent shall agitate the same, if he so desires.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Inspector of Police
J8-Neelankarai Police Station
Chennai
- 2.The Public Prosecutor,
High Court, Madras.
3. Mr.MA.Syed Mohammed,
No.17, Audiappa Street,
Purasaiwalkkam, Chennai-84.

CRL.O.P.No.18297 of 2021
and
Crl.M.P.No.10049 of 2021

RSV(CO)
SB(17/11/2021)