



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.1561 of 2021
and
Crl.M.P(MD)No.749 of 2021

P.Mahesh ... Petitioner/Accused No.1

Vs.

1.The Inspector of Police
Anjugramam Police Station,
Kanyakumari District,
Kanyakumari.
(Crime No.538 of 2014) ... Respondent/Complainant

2.R.L.Rajkumar ... Respondent No.2/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, 1973, to call for the First Information Report in Crime No.538 of 2014 dated 05.12.2014 on the file of the first respondent and quash the same as against the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For 1st Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

The present petition has been filed by the petitioner under Section 482 of Code of Criminal Procedure, 1973, seeking to quash the First Information Report in Crime No.538 of 2014 of Anjugramam Police Station, Kanyakumari District.

2.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the first respondent, on instructions, would contend that after concluding investigation in Crime No.538 of 2014, a final report was filed before the Additional Magistrate No.III, Nagercoil. He would further contend



that the learned Judicial Magistrate No.III, Nagercoil, instead of taking the final report on file, had issued summons to the defacto complainant and directed him to file a written submission on 11.12.2020.

3.Considering the fact that the final report is filed before the learned Judicial Magistrate No.III, Nagercoil, the present Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. Since the learned Judicial Magistrate No.III, Nagercoil, has issued notice to the defacto complainant without taking the final report on file, the learned Judicial Magistrate No.III, Nagercoil, is directed to offer his remarks before this Court on or before 12.03.2021.

4.Call on 15.03.2021, for "reporting compliance".

Sd/-

Assistant Registrar(CS-II)

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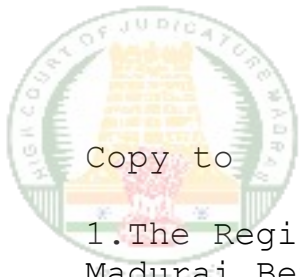
Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.III,
Nagercoil.
- 2.The Inspector of Police
Anjugramam Police Station,
Kanyakumari District,
Kanyakumari.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) No.1561 of 2021
05.02.2021

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TR(16.02.2021) 3P 6C