



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

CORAM :

WEB COPY

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)Nos.3088 and 3089/2019 &
Crl.MP (MD)Nos.1728 and 1729/2019

Jeganathan ... Petitioner in both petitions

Vs.

1.The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.

2.K.Suresh Varma ... Respondents in both petitions

Common Prayer: Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime Nos.28 and 29/2019 on the file of the first respondent and to quash the same against the petitioner.

In both petitions,

For Petitioner	: Mrs.H.Yoheswari
For R1	: Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor
For R2	: Mr.R.J.Karthick

COMMON ORDER

These petitions are filed seeking quashment of the FIR in Crime Nos.28 and 29/2019 on the file of the first respondent, which was registered for the offences punishable under Sections 420, 406, 506(1) and 34 of IPC on 01.02.2019.

2. When the matters are taken up for hearing, the learned Additional Public Prosecutor would submit that based on the complaint given by the second respondent, investigation was conducted, however, the second respondent did not co-operate for completing the investigation process and it was found that the second respondent, after filing a suit, has given a false complaint. Hence, the first respondent closed the complaint as 'mistake of fact' and also served notice upon the second respondent.

3. However, the learned counsel appearing for the second respondent would submit that the second respondent has not received any such notice.



4. The learned Additional Public Prosecutor would submit that the copy was served to the second respondent through registered post and he has also produced the receipt to that effect.

5. The petitioner shall get the copy of the closure report from the Public Prosecutor Office. Since the complaint of the second respondent was closed as 'mistake of fact', these Criminal Original Petitions are dismissed as infructuous. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

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 Inspector of Police,
Aviyur Police Station,
Virudhunagar District.

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

Crl.O.P.(MD)Nos.3088 and 3089/2019
12.11.2021

RS(26.11.2021) 2P 3C