



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

WEB COPY

Crl.OP(MD)No.3849 of 2019

and

Crl.MP(MD)No.2252 of 2019

1.Muthazhgu
2.Sundareson
3.Munieswaran

... Petitioners/Accused No.1,2 & 5

vs.

1.State
Rep by the Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
(Crime No.15 of 2019)

... Respondent/Respondent

2.Antony Kingston

... Respondent/Defacto Complainant

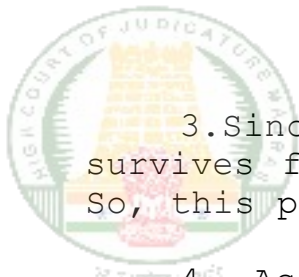
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.15 of 2019, dated 07.02.2019 on the file of the first respondent police and quash the same.

For petitioners : Mr.R.Ponkarthikeyan
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the FIR in Crime No.15 of 2019, dated 07.02.2019 on the file of the first respondent police.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that based upon the complaint given by the second respondent, a case in Crime No.15 of 2019 was registered and during the course of investigation, it was found that the second respondent, who is the defacto complainant herein, did not co-operate with the Investigating Officer for completing the investigation. But, whereas, the accused persons have appeared before the Investigating Officer and produced the documents to show the ownership and title. It has also been observed that in respect of the property, a suit was also been filed by the second respondent and it was found that it is an exaggerated complaint. So, the same was closed as 'mistake of fact' and RCS notice was also served upon the second respondent.



3. Since the case has been closed as 'mistake of fact', nothing survives for further consideration or direction in this petition. So, this petition become infructuous.

4. Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

dss

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,
Soorankudi Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.OP(MD)No.3849 of 2019
and
Crl.MP(MD)No.2252 of 2019
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