



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Cr1.O.P (MD) No.16430 of 2021

and Cr1.M.P (MD) No.8864 of 2021

WEB COPY

1.Noorjahan
2.Syed Musthafa
3.Basheera

... Petitioners/Accused No.1 to 3

-Vs-

1. State rep. by
The Inspector of Police,
Trichy Fort Police Station,
Trichy District.
(Crime No.1225 of 2020)

... 1st Respondent/Complainant

2.Ariffa

... 2nd Respondent/Defacto Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Impugned FIR in Crime No.1225 of 2020 on the file of the 1st respondent Police Station and quash the same.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.RMS.Sethuraman for R1

Additional Public Prosecutor

ORDER

This petition is filed seeking quashment of Crime No.1225 of 2020 on the file of the first respondent, which was registered for the offences punishable under Sections 294(b) and 323 of IPC on 29.08.2020.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that based upon the complaint given by the second respondent, investigation was undertaken and during the course of investigation, it was found that it is a Mistake of Fact and hence the complaint has been closed. But RCS notice so far not served.

3.Let RCS notice be served upon the defacto complainant. Since the matter has been referred as Mistake of Fact, nothing survives for further consideration in this petition and the prayer sought for in this petition has become infructuous.

4.After getting RCS notice, the 2nd respondent may workout his remedy in the manner known to law, if so he is aggrieved by the same.



5. With the above directions, this criminal original petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed.

WEB COPY

// True Copy //

Sd/-
Assistant Registrar (Crl Side)

/ /2020
Sub Assistant Registrar(CS)

TM

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

CRL OP (MD) No.16430 of 2021

27.10.2021

MK/SKN/29.11.2021/2P/3C