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Crl.O.P. No.27914 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P No.27914 of 2022

M.Murugadass

... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram, Villupuram District.
2. The Deputy Superintendent of Police
Villupuram, Villupuram District.
3. The Sub Inspector of Police,
Periyathatchur Police Station,
Periyathatchur, Tindivanam Taluk,
Villupuram District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st respondent to entrust the First Information Report No.21/2021 on the file of the 3rd respondent for investigation by a police officer not below the rank of Deputy Superintendent of Police C.B, C.I.D Branch for fresh investigation regarding the offences committed by the accused mentioned in the FIR No.21 of 2021 on the file of the Periyathatchur Police Station in accordance with law expeditiously.



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For Petitioner : Mr.S.Rajaraman

For Respondents : Mr.S.Santhosh
Gov. Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to entrust the First Information Report No.21/2021 on the file of the 3rd respondent for investigation by a police officer, not below the rank of Deputy Superintendent of Police C.B, C.I.D Branch for fresh investigation regarding the offences committed by the accused mentioned in the FIR No.21 of 2021 on the file of the Periyathatchur Police Station in accordance with law expeditiously.

2. The learned Counsel appearing for the petitioner submitted that there is a civil dispute between the petitioner and one Athimoolam with regard to the property and the said Athimoolam with the help of henchmen, demolished the newly constructed building which was constructed by the petitioner and in view of the same, he lodged a complaint and it was registered in FIR No.21/2021. Subsequently, the respondent police has not taken any steps to arrest the above said Athimoolam and his men and also not filed charge



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sheet against them. While the petitioner enquired the second respondent, they replied that FIR was closed as "mistake of facts". He further submitted that, without issuing any notice to the petitioner, the respondent police closed the FIR. Hence this petition.

3. The learned Government Advocate (Crl.Side) submitted that, based on the complaint given by the petitioner, FIR was registered in Crime No.21/2022 and after enquiry, it was closed as " mistake of facts ". He further submitted that, RCS notice was also sent to the petitioner with regard to the closure of FIR.

4. Recording the submission made by the learned Government Advocate (Crl.Side), this Criminal Original Petition is closed, granting liberty to the petitioner to take appropriate action, upon the closure report.

15.11.2022

Index:Yes/no
mst

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To

1. The Superintendent of Police,
Villupuram, Villupuram District.
2. The Deputy Superintendent of Police
Villupuram, Villupuram District.
3. The Sub Inspector of Police,
Periyathatchur Police Station,
Periyathatchur, Tindivanam Taluk,
Villupuram District.
4. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.

mst

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