



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.2435 of 2022
and
Crl.M.P(MD)No.1796 of 2022

Abuthahir @ Abu ...Petitioner/Accused No.2
Vs.

1. The Inspector of Police
S.S. Colony Police Station,
Madurai City
(Crime No.72 of 2017) ... Respondent/Complainant
2. Elangovan
Sub Inspector of Police-6943
S.S.Colony Police Station
Madurai ... Respondent/
Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned FIR in Crime No.72 of 2017 on the file of the first respondent and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.Mohamed Yusuf
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.72 of 2017 on the file of the respondent police.

2.The learned counsel appearing for the petitioner would submit that the facts of the case are exactly similar to the case covered in the decision reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in the case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other** in batch of cases in **Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019**

<https://hcservices.courts.gov.in/hcservices/> The learned Additional Public Prosecutor appearing for the respondent would submit that the facts of the case are similar to the facts covered under the Judgment referred above.



4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. Perused the materials on record

6. The facts of this case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Cr1) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Cr1.O.P(MD) No.7922 of 2019 dated 30.08.2019**. Accordingly, the proceedings in Crime No.72 of 2017 on the file of the respondent police is hereby quashed insofar as the petitioner alone and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
S.S. Colony Police Station,
Madurai City

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

Cr1.O.P. (MD) .No.2435 of 2022
and
Cr1.M.P (MD) No.1796 of 2022
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MGJ(03.03.2022) 2P 3C