



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.2326 of 2022

and

Crl.M.P.(MD)No.1703 of 2022

Kumar

...Petitioner/ Accused No.2

Vs.

1.State through the Inspector of Police,
Kuzhithurai Police Station,
CSCID - Madurai.
(Crime No.84 of 2021)

...Respondent/Complainant

2.M.Esakki

...2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the proceedings of the FIR in Crime No.84 of 2021 dated 04.07.2021 on the file of the first respondent in so far as the petitioner is concerned.

For Petitioner : Mr.K.Prabhu
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

The Criminal Original Petition has been filed to quash the impugned FIR.

2. The learned senior counsel reiterated all the contentions set out in the memorandum of grounds.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the final report has been filed on 27.10.2021 before the learned Judicial Magistrate No.II, Nagercoil. Therefore, nothing survives for consideration for the present petition. Leaving open all the contentions of the petitioner, the Criminal Original Petition is dismissed. Consequently, this connected Miscellaneous Petition is closed.



4. The learned Government Advocate states that the final report is yet to be taken on file. The first respondent is directed to verify whether the final report is still available on the file of the Court. If not available, a fresh copy shall be filed immediately. The learned Magistrate shall take a call in the matter on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. If cognizance is taken, it is open to the petitioner to move this Court again. All the contentions of the petitioner are intact. Registry is directed to mark the copy of this order to the learned Judicial Magistrate No.II, Nagercoil.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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 Judicial Magistrate No.II,
Nagercoil.
- 2.The Inspector of Police,
Kuzhithurai Police Station,
CSCID - Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-4282[F] dated 04/02/2022)

CrI.O.P.(MD)No.2326 of 2022

04.02.2022

RD(23.02.2022) 2P 5C