



Crl.O.P.(MD) No.11574 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11574 of 2022

Anton Xavier Vinister

... petitioner

Vs

1. The State rep. by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.187 of 2021)

2.Thirumal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case in Crime No.187 of 2021 pending on the file of the respondent police and to quash the same.

For petitioner : Mr.R. Anand

For R1 : Mr. M. Sakthikumar

Government Advocate (Crl. Side)

For R2 : Mr. R. Pon Karthikeyan

ORDER

This Criminal Original Petition has been filed to quash the FIR in



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Crime No.187 of 2021 pending on the file of the 1st respondent police

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2.The learned counsel appearing for the petitioner submitted that the case has been registered against the petitioner for the offences under Sections 147, 148, 294(b) and 506(i) IPC. But, he has not involved in any offence as stated in the prosecution.

3. The complainant also present before this Court and stated that he has not given any complaint as against the petitioner on 28.08.2021, but, the police has obtained the signature in the white paper.

4. Mr.R.Pon Karthikeyan, learned counsel appearing for the defacto complainant submitted that he had enquired the complainant and the complainant has not given by the complaint and the impugned First Information Report is registered based on a signature obtained by the police in the white paper.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.



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6. Both the petitioner and the complainant present before this Court and they were identified by Mr.Rajan, SSI of Police, Radhapuram Police Station. The complainant was enquired by this Court and the complainant himself stated that he was not brought to this Court by way of threatening and he has not given any complaint before the police as against the petitioner.

7. On perusal of the records it is seen that the complainant has given a complaint, but, the complainant himself present before this Court and stated that he has not given any complaint against the petitioner. In such circumstances, the continuation of criminal proceedings against the petitioner would be abuse of process of Court and hence, this Court is inclined to quash the FIR registered against the petitioner in Crime No. 187 of 2021 and accordingly, the same is hereby quashed.

8. In the result, the Criminal Original Petition is allowed.

29.06.2022

Internet: Yes./No
Index: Yes/no
trp



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To

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1. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

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



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V.SIVAGNANAM, J.

trp

ORDER IN

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