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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Cr1.A(MD)No.461 of 2021

M.Vigneshwar ... Appellant/ Complainant/Petitioner

Vs

1.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

2.John Britto,
The Assistant Commissioner of Police (Law & Order),
Palayamkottai,
Tirunelveli. ... Respondent/Accused/Respondent

3.S.Vaikundarajan

4.Yusuf ... Respondents /Respondent/Accused

PRAYER :-

This Criminal Appeal is filed under Section 341(1) of Civil Procedure Code to call for the entire records pertaining to the order passed by the learned II Additional District Judge, (PCR Court), Tirunelveli in Cr.M.P.No.720 of 2021 vide order dated 15.07.2021 and set aside the same and consequently direct the aforesaid learned Judge to order enquiry as per Section 340(1) of Cr.P.C., on the complaint of the appellant and proceed with the same in accordance with law.

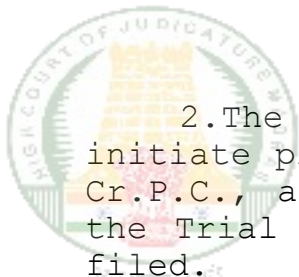
For Appellants : M/s.R.Anand

For Respondents : R1- Mr.R.M.Anbu Nithi
Additional Public Prosecutor

R2 - Mr.N.S.Karthikeyan
R3 - Mr.J.Kingsly solomon
R4 - Mr.Ramasamy

JUDGMENT

This Criminal Appeal has been filed against the order of the learned II Additional District Judge, (PCR Court), Tirunelveli in Cr1.M.P.No.720 of 2021 dated 15.07.2021.



2.The prayer of the petitioner in Crl.M.P.No.720 of 2021 is to initiate proceedings for the offences under Sections 340 and 195 of Cr.P.C., against the second respondent. The prayer was rejected by the Trial Court. Against the same, this Criminal Appeal has been filed.

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3.On the side of the petitioner, it is stated that the petitioner has filed a petition in Crl.R.C.No.159 of 2022, wherein this Court has set aside the report submitted by the second respondent dated 18.12.2020. The second respondent was directed to register a First Information Report against the accused persons within a period of 12 weeks from the date of receipt of a copy of this order and to conduct an enquiry and to dispose of the same on merits in accordance with law, within a period of eight weeks thereafter.

4.In view of the submission made by the petitioner that the report dated 18.12.2020 submitted by the second respondent police was set aside in Crl.R.C.No.159 of 2022 dated 22.02.2022, the prayer in this Crl.A.No.461 of 2021 become infructuous. Accordingly, this Criminal Appeal is closed as Infructuous.

Sd/-

Assistant Registrar (CS-III)

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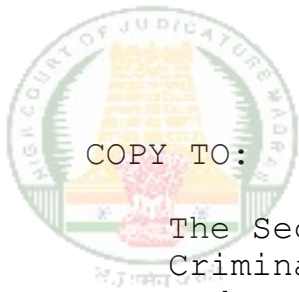
Sub Assistant Registrar(CS)

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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 II Additional District Judge(PCR Court),
Tirunelveli.
- 2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
3. The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.



COPY TO:

The Section officer,
Criminal Section,
Madurai Bench Of Madras High Court, Madurai. (2 COPIES)

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+1 CC to M/s.J. KINGSLY SOLOMON, Advocate (SR-16572[F] dated 05/04/2022)

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-16432[F] dated 04/04/2022)

Crl.A(MD)No.461 of 2021
01.04.2022

RD(05.05.2022) 3P 8C