



Crl.O.P.(MD) No.20238 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P (MD) No.20238 of 2022

and

Crl.M.P.(MD) No.13991 of 2022

Ithayaraja

...Petitioner

VS

**1.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.164 of 2022**

2.Sithapathy

...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the records in connection with a case in Cr.No. 164 of
2022 on the file of the 1st respondent and quash the same as against the
petitioner.**

For Petitioner : Mr.V.Madurai Veeran

**For R1 : Mr.B.Nambi Selvan
Additional Public Prosecutor.**



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ORDER

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This Criminal Original Petition had been filed to quash the First Information Report in Crime No.164 of 2022 on the file of the first Respondent.

2.The learned Counsel for the Petitioner would submit that the FIR had been registered only based on the direction of the learned Judicial Magistrate, Vadipatti. The learned Judicial Magistrate, Vadipatti, while conducting an enquiry in Crl.M.P.No.1195 of 2021 had, after assessing the statement of the witnesses recorded, arrived at a conclusion that the Respondents 3 to 5 therein had not involved in the alleged offences. In spite of the same, the first Respondent had mechanically arrayed the Petitioner herein as an accused in this case. Therefore, he seeks to quash the FIR in Crime No.164 of 2022 on the file of the first Respondent.

3.The learned Additional Public Prosecutor for the first Respondent vehemently objects to the line of arguments of the learned Counsel for the Petitioner and states that notice may be ordered to the second Respondent.



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4.In the light of the finding given by the learned Judicial Magistrate, Vadipatti in Crl.M.P.No.1195 of 2021, vide order dated 06.09.2021, this Criminal Original Petition is allowed. The FIR in Crime No.164 of 2022 on the file of the first Respondent is quashed as far as the Petitioner herein alone is concerned. Consequently, connected Miscellaneous Petition is closed.

Internet:Yes/No
Index:Yes/No
mm

24.11.2022

To

- 1.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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