



WEB COPY

Crl.O.P.(MD)No.3935 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD)No.3935 of 2023

Lingaraj

... Petitioner/Accused

Vs.

1.Murugan

2.The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari District

... Respondents

(R2 is impleaded as per orders of the court dated 09.03.2023 in
Crl.O.P(MD)No.3992 of 2023 and Crl.O.P(MD)No.3935 of 2023 by GIJ)

PRAYER: Criminal Original Petition is filed under Section 482 of
Cr.P.C, to set aside the order dated 20.10.2022 made in Crl.M.P.No.
10080 of 2022 passed by the learned Judicial Magistrate No.II, Nagercoil.

For Petitioner : Mr.T.Selvakumaran

For R1 : Mr.C.Aravindhan

For R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed questioning the order
passed by the learned Judicial Magistrate No.II, Nagercoil, in



Crl.M.P.No.10080 of 2022 dated 20.10.2022 forwarding the complaint of the 1st respondent to the 2nd respondent police for investigation under Section 156(3) Cr.P.C.

2. It is submitted by the learned counsel appearing for the 1st respondent that in pursuance of referring the complaint of the 1st respondent to the 2nd respondent police for registration of First Information Report, the 2nd respondent police has registered a case against the petitioner in Crime No.62 of 2023 for the offences punishable under Sections 341, 494(b), 323 and 506(2) IPC.

3. It is submitted by the learned counsel for the petitioner/accused that after filing of the petition, the 2nd respondent police has registered the case even though there are orders granted by this Court against the 2nd respondent police to register the case.

4. Since a First Information Report has already been registered, the very purpose of filing this petition has become infructuous. However, the petitioner is at liberty to challenge the First Information Report, if it is advised so.



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5. With the above observation, this Criminal Original Petition is closed.

Index : Yes/No
Internet : Yes/No
CM

11.07.2023

To

1. The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari District.

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



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DR.D.NAGARJUN. J.

CM

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