



**Crl.O.P(MD)No10877 of 2021**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.04.2023

CORAM:

**THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**Crl.O.P(MD)No.10877 of 2021**

**and**

**Crl.M.P(MD)No.5530 of 2021**

1.Saravanakumar

2.Chithradevi

.. Petitioners/Accused Nos.1 &3

Vs.

1.The State Represented by  
The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.  
(Crime.No.172/2021)

.. 1<sup>st</sup> Respondent/Complainant

2.Murugan

.. 2<sup>nd</sup> Respondent/Defacto Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR in



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Crime No.172 of 2021 dated 16.07.2021 on the file of the 1<sup>st</sup> respondent and quash the same against the petitioner concerned.

For Petitioner : Mr.M.Jegadeesh Pandian  
For R1 : Mr.M.Muthumanikkam  
Government Advocate(Criminal side)  
For R2 : No appearance

**ORDER**

The petitioners/A1&A3 have filed this petition to quash the FIR in Crime No. 172 of 2021 on the file of the first respondent, wherein they are said to have committed the offence under Section 366 IPC.

2. The case of the prosecution is that the defacto complainant has been running a provision shop in the name of 'Mahalakshmi Stores' at Radhapuram and he is having two daughters. The younger daughter namely Thillai @ Sathyabama @ Sakthi, had completed B.A., B.Ed., and also she is suffering from mental disability for which she has been taken treatment at Dhanvanthiri Ayurvedha Hospital at Tirunelveli. That being

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so, on 14.07.2021, at about 2.30 p.m, she was found missing from home and hence, the defacto complainant searched his daughter in the near places and relative's home, but he did not know her whereabouts. Thereafter, on the same day at about 8.00 p.m, the defacto complainant received a phone call from one Muthukumar, who informed him that he along with one Saravanakumar and his mother Chithra came to Radhapuram and kidnapped his daughter in order to get marry to the said Saravanakumar. Hence the complaint.

3. The learned Government Advocate (Criminal side) submitted that after completion of investigation, the case was closed as 'mistake of fact' and RCS notice was also served to the defacto complainant. Hence, there is no necessity for further adjudication.

4. Recording the said submission made by the learned Government Advocate(Criminal side), this Criminal Original Petition stands closed with liberty to the defacto complainant to agitate the matter before the appropriate forum in accordance with law. Consequently, connected



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miscellaneous petition is closed.

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NCC : Yes/No  
Internet: Yes/No  
Index : Yes/No  
PJL

To

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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**K.K.RAMAKRISHNAN,J.**

PJL

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