



Crl.O.P.(MD)No.20932 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.(MD)No.20932 of 2021
and
CRL.M.P.(MD)No.12067 of 2021

1.M.Sankar

2.M.Dharmaendiran @ Damodharan

... Petitioners

Vs.

1.State Represented by
The Inspector of Police,
Eriodu Police Station,
Eriodu, Dindigul District.
(In Crime No.160 of 2019)

2.Moorthi

... 2nd Respondent / Defacto

Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court, to call for the records in Crime No.160 of 2019 pending on the file of the Inspector of Police, Eriodu Police Station, Dindigul District and quash the same.

For Petitioners : Mr.N,Tamilmani

For R1 : Mr.S.Meenakshi Sundaram,
Additional Public Prosecutor

For R2 : No Appearance



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ORDER

This Criminal Original Petition is filed to quash FIR in Crime No.160 of 2019 pending on the file of the Inspector of Police, Eriodu Police Station, Dindigul District and quash the same.

2.The prosecution case is that there was a money dispute between one Murugan, who is none other than the son-in-law of the defacto complainant's maternal aunt and the first accused. When the first accused demanded the amount given to Murugan, there was a wordy quarrel, in which the first accused attacked the maternal uncle and aunt of the defacto complainant on 27.07.2029. On the next day, i.e., 28.07.2019 at about 03.00 a.m., the house of the defacto complainant and his maternal aunt got fire. Hence, he lodged the present complaint.

3.The learned counsel for the petitioners submits that they are doing business at Karur and they are no way connected with the alleged occurrence. The present case has been lodged with an ulterior motive. Further, the occurrence has taken place on 28.07.2019, but the complainant has been lodged only on 30.07.2019 and the delay in lodging FIR has not been properly explained by the defacto complainant. Hence, he seeks to quash the FIR.



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4.The learned Additional Public Prosecutor appearing for the respondent police submits that the investigation in this case has been completed and charge sheet has also been filed on 10.09.2023 before the learned Judicial Magistrate, Vedasanthur in FR-228/2023-Original for the offence under Section 394(b), 323 and 324 IPC arraying the petitioners as first and second accused.

5.At this juncture, the learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with liberty to challenge the charge sheet filed on 10.09.2023. He has also made an endorsement to that effect.

6.Recording the same, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioners to challenge the charge sheet, if they so desire. Consequently, connected miscellaneous petition is closed.

11.09.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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M.NIRMAL KUMAR, J.

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To

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

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