



Crl.O.P.(MD) No.17913 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.17913 of 2023
and Crl.M.P.(MD).No.14139 of 2023

T.Ashok Kumar

...Petitioner / Sole Accused

Vs.

1.The State Rep. by,
The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.
(In Crime No.37/2022)

...1st Respondent / Complainant

2.Prakash

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the Impugned First Information Report in Crime No.37 of 2022 in the file of Respondent No.1 Police Station and quash the same as against the petitioner.

For Petitioner :Mr.R.Karunanidhi

For Respondent :Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the Impugned First Information Report in Crime No.37 of 2022 in the file of Respondent No.1 Police Station.

2.It is submitted that it is a case and counter case. On the basis of the complaint given by the defacto complainant in this matter, the present case in Crime No.37 of 2022 has been registered. Similarly on the basis of the complaint given by the petitioner, case in Crime No.36 of 2022 has been registered.

3.It is submitted by the learned Government Advocate (Crl. Side) that after completing the investigation in both cases, final reports have been filed before the learned Judicial Magistrate No.V, Madurai, through e-filing No.11160/2022 in respect of Crime No.36 of 2022 and e-filing No.11265/2022 in respect of the Crime No.37 of 2022. Reading of the final reports shows that without ascertaining the facts as to who are the real aggressors, the above said final reports have been filed. Without following proper procedure as per Police Standing Order 566(A), investigation has been undertaken by the respondent



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police. On the sole ground, the final report in this crime number is liable to be quashed.

4.Accordingly, this criminal original petition stands **allowed** and the final report filed in Crime No.37 of 2022 by the first respondent, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

09.10.2023

TM

To

- 1.The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.
(In Crime No.37/2022)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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