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Crl.O.P.14173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.14173 of 2024
and Crl.M.P.No.8637 of 2024

Mani @ Nandha Kumar

.... Petitioner

Versus

1. The State Rep. by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

2. Settu

.... Respondents

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for records in Crime No.172 of 2019 on the file of the first respondent police and quash the FIR against the petitioner/A4.

For Petitioner : Mr.N.Thirumalai

For 1st Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

The case in Crime No.172 of 2019 was registered by the respondent police on 19.06.2019 based on the complaint given by one Settu alleging that this petitioner along with five others had come to his house with an intention to kidnap his daughter. However, they were overcome by the public.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a friend of one Kalaivendhan, who is the first accused in this case. Since Kalaivendhan was in love with the daughter of the complainant, to break the intimacy, a false complaint was lodged. The police has not completed the investigation for more than five years. Meanwhile, Kalaivendhan got married to the daughter of the defacto complainant and they are living happily with their children. He would further submit that the complaint is a motivated one, which is filed to harass the petitioner and hence, the same is liable to be quashed.

3. The learned Government Advocate (Crl.Side) would submit



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that on completion of the investigation, a final report is filed through e-filing a week ago.

4. On perusing the complaint and the fact that on the date of the complaint, there is only an allegation of attempt by the petitioner and others, who were hiding themselves near the house of the defaco complainant to kidnap the daughter of the complainant and there is no other overt act attributed to them. Further, taking note of the fact that the first accused got married to the daughter of the defaco complainant subsequently, there is no purpose in subjecting the petitioner herein to the ordeal of criminal trial.

Hence, this Criminal Original Petition filed to quash the FIR against the petitioner/A4 is allowed. Consequently, the connected Miscellaneous Petition is closed.

02.07.2024

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DR.G. JAYACHANDRAN, J.



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To

1. The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

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