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CrI.O.P.(MD)No.11108 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.11108 of 2022

and

CrI.M.P.(MD).No.7002 of 2022

1.Karthick

2.Saravanan

... petitioners

Vs.

1.The State represented by
the Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
In Crime No.241 of 2020

2.Kumar

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.241 of 2020 on the file of the respondent Police and quash the same.

For petitioners : Mr.M.Ramu

For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-2 : Mr.D.Venkatesh



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ORDER

This Criminal Original Petition has been filed seeking to quash FIR in Crime No.241 of 2020 on the file of the respondent Police against the petitioners.

2. The learned counsel appearing for the petitioners would submit that the defacto complainant has enjoyed the pathway with the permission of one Irulayee. However, the said Irulayee prevented the defacto complainant from enjoying the pathway and he induced the President to lay a road in the private land belonged to the said Irulayee, which was questioned by the petitioners. Thereby, there was a quarrel arose between them and they attacked each other and a case and case in counter came to be registered before the respondent Police. Challenging the case filed by the respondent Police against the petitioners herein, the present petition has been filed. He would further submit that in respect of counter case, the respondent Police has to necessarily follow Clause 566(ii) of the Police Standing Orders and this Court may issue a direction to the respondent Police to follow the procedure contemplated under 566(ii) of the Police Standing Orders and pass appropriate orders in terms of the Order passed by this Court in WP.(MD).No.15095 of 2020, dated 31.07.2023.



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3. The learned Government Advocate (Criminal Side)

appearing for the respondent Police would submit that this Court may issue a direction to the respondent Police to follow the procedure contemplated under Clause 566(ii) of the Police Standing Orders.

4. In view of the above, this Court is inclined to grant permission to the petitioners to produce all necessary documents before the Investigating Officer and on such production, the Investigating Officer is directed to follow the procedure contemplated under Clause 566(ii) of the Police Standing Orders and pass appropriate orders in terms of the order passed by this Court in WP.(MD).No.15095 of 2020, dated 31.07.2023, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

27.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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/*M.DHANDAPANI. J.

TSG

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