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CrI.O.P.(MD)No.21083 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.21083 of 2024

and

CrI.M.P.(MD)No.13067 of 2024

1.Adakkamy
2.Chellammy
3.Rajesh

... Petitioners

-Vs-

1.State of Tamil Nadu,
The Inspector of Police,
Aravayal Police Station,
Sivagangai, Sivagangai District.

2.Velliyammay

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records pertaining to Crime
No.66 of 2024 dated 16.06.2024 on the file of the Inspector of Police,
Aravayal Police Station, Sivagangai, Sivagangai District.

For Petitioner : Mr.K.M.Balaji
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (CrI.Side)

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.66 of 2024 on the file of the first
respondent Police.



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2. The contention of the petitioner is that the sister of the first and second petitioners was married to the son of the defacto complainant, namely Ramanathan. Out of wedlock, there is a female child, namely Meenu Vaishnavi. Due to Covid-19, the sister of the petitioners died. After her demise, the second respondent was taking care of Meenu Vaishnavi. While so, the petitioners trespassed into the house of the second respondent and forcibly took the female child into their custody and attacked the defacto complainant. Hence, the complaint.

3. It is brought to the notice of this Court that the son of the second respondent had filed a petition before this Court in H.C.P.(MD)No.813 of 2023 and the Division Bench of this Court had referred the matter for mediation. In the mediation centre, an agreement was arrived and it was decided that the minor child shall spent some with with her mother's family and also with her father's family.

4. Due some family dispute, this complaint has been lodged against the petitioners. Further, the learned Government Advocate (CrI.side) for the respondent police submits that after investigation, the complaint lodged by the second respondent was closed as mistake of fact and on 16.10.2024, negative charge sheet has also been filed before the



concerned Court. Now, the second respondent has filed a protest petition and the case is listed for hearing on 26.12.2024.

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5.In view of the fact that the complaint itself is closed as mistake of fact, nothing remains to be considered further in this matter. Accordingly, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

09.12.2024

Index : Yes/No

Internet : Yes/No

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To

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



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M.NIRMAL KUMAR,J.

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