



Crl.O.P.(MD)No.18996 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18996 of 2024

and

W.M.P(MD).No.11754 of 2024

1.Arun Saravanan

2.Suguna

: Petitioners

Vs.

1.Mydeen Pitchai

2.The Inspector of Police,
Muneerpallam, Police Station,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in Cr RC No.1 of 2024 on the file of the learned III Additional District/Sessions Judge, Tirunelveli dated 01.10.2024 and set aside the same and consequently restore the orders passed in Crl MP No. 26132 of 2023 on the file of the learned Judicial Magistrate No.V, Tirunelveli dated 27.10.2023 by allowing this petition.

For Petitioner : Ms.A.Charumathi



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For R-2

: Mr.A.Thiruvadikumar

Additional Public Prosecutor

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ORDER

Challenging the order passed by the learned III Additional District/ Sessions Judge, Tirunelveli, dated 01.10.2024, in Cr RC No.1 of 2024, this criminal original petition is filed.

2. The contention of the petitioners is that there was a business transaction between the petitioners and the first respondent. The first respondent giving a criminal colour had lodged a complaint in CSR No. 544 of 2022 before the second respondent and the same was closed as early as on 20.09.2023, since the issue pertains to civil in nature. Suppressing the same, the first respondent lodged a second complaint on 25.09.2023 before the Superintendent of Police and the second respondent. Since no action was taken, he filed a petition under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate No.V, Tirunelveli. The said complaint was taken on file in Cr MP No.26132 of 2023 and after hearing on merits, the same was dismissed by the lower Court on 27.10.2023 holding that it is the civil dispute with regard to the



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redemption of dues in business transaction and further, both the petitioners and the first respondent had arrived at a settlement and hence, the issue cannot be prosecuted. As against which, the first respondent had filed a revision in Crl RC No.1 of 2024 before the Additional District/Sessions Judge, Tirunelveli. The learned Additional District/Sessions Judge, without considering the complaint is civil in nature, allowed the revision and also, directed to register FIR against the petitioners herein. Aggrieved by the same, the petitioners have filed this petition.

3. The learned Additional Public Prosecutor, who takes notice on behalf of the second respondent, on instructions, would submit that Crl RC No.1 of 2024 was allowed on 01.10.2024, thereafter, FIR in Crime No.466 of 2024 was registered against the petitioners on 24.10.2024 for offences under Sections 406, 420, 506(i) of IPC. According to him, this petition has become infructuous.

4. In view of the above submission, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect.



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5. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioners to challenge the FIR. Consequently, connected Miscellaneous Petition is closed.

04.11.2024

NCC : Yes/No
Index : Yes / No
Rmk

To

- 1.The Inspector of Police,
Muneerpallam, Police Station,
Palayamkottai,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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