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Crl.O.P.(MD)No.21326 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.21326 of 2022

and

Crl.M.P.(MD).No.14927 of 2022

Dr.S.Venkat Prabhu

... Petitioner

Vs.

1.The State rep. By
The Inspector of Police,
Theni Police Station,
Theni District.

2.Shanthi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the FIR in Crime No.323 of 2022 on the file of the first respondent police and quash the same as illegal.

For petitioner
For R-1

For R2

: Mr.T.Lenin Kumar
: Mr.B.Nambiselvan,
Additional Public Prosecutor
: Mr.Senthil Murugan



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Crl.O.P.(MD)No.21326 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.323 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that on 03.09.2022 at about 09.30 p.m, the petitioners along with the other accused persons trespassed into the defacto complainant's house, damaged the household articles and also threatened one Gunasekaran. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, this Court may issue a direction to the first respondent police to complete the investigation within a stipulated period by providing an opportunity to the petitioner in order to disprove the complaint preferred by the second respondent.

4. The learned Additional Public Prosecutor appearing for the first respondent Police would submit that the investigation in this case will be completed within a period of 12 weeks.



Crl.O.P.(MD)No.21326 of 2022

5. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the first respondent Police to conclude the investigation in Crime No.323 of 2022, within a period of 12 weeks from the date of receipt of a copy of this order by providing necessary opportunity to both parties and after completing the investigation, if any cognizable offences are made out, the first respondent Police shall file a charge sheet in the manner known to law. In case if cognizable offences are not made out, the first respondent Police shall close the case as “mistake of fact”. The petitioner is at liberty to produce all documents, in order to prove that there is no criminality in the complaint preferred by the second respondent.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, the Connected miscellaneous petition is closed.

22.03.2024

Index : Yes/No
Internet : Yes/No
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Crl.O.P.(MD)No.21326 of 2022

M.DHANDAPANI. J.

tta

To

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

Crl.O.P.(MD)No.21326 of 2022

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