



Crl.O.P.(MD)No.20633 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20633 of 2024
and Crl.M.P(MD).No.12758 of 2024

Gowri Sankar

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District,
Dindigul.

2.The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
Crime No.269 of 2024

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the respondents 1 and 2 not to harass the petitioners based upon the false complaint lodged by the third respondent under the guise of conducting enquiries and interfering in the civil dispute which is pending between the parties before the competent civil Court.

For Petitioner
For R1 & R2

: Mr.K.R.Laxman
: Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

The petitioner had lodged a complaint against five named persons, who had trespassed into a temple and broke open the Hundiya and approximately Rs.2,00,000/- of cash, gold jewels and silver articles available in the Hundiya had been thieved. This happened on 02.02.2019 at about 10.00pm. On 02.02.2019, the petitioner closed the temple doors, on the next day i.e, on 03.02.2019, he found door break open and hundiya and theft committed. On enquiry, the petitioner had identified five persons and lodged complaint. In the meanwhile, the respondent police not registered an FIR, on the contrary, conducted Gangaroo Court asking the petitioner to compromise with the named persons in the complaint. Thereafter, the petitioner gave a representation on 15.07.2023 to the respondent police and filed a writ petition before this Court, on the direction of this Court, FIR in Crime No.269 of 2024 dated 12.10.2024 registered. After registration of FIR, though summons were issued to 25 persons, out of which, 23 persons' statement were recorded. All 23 persons confirmed and corroborated the petitioner's statement, but, thereafter, no action has been taken. Hence, the petitioner



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lost faith on the Guzilamparai Police Station and sought for transfer of investigation to CBCID, Madurai. In this regard, the petitioner had also sent representation on 23.10.2024, no action had been taken. Hence, the above petition.

2. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner, FIR has been registered on 12.10.2024, thereafter, final report was filed for the offence under Section 380 of IPC, after investigation, case has been closed as "Mistake of Fact" on 28.10.2024. During investigation, 23 witnesses were examined, statement recorded and found rivalry in the management of temple among the villagers and also found that it is the motivated complaint to implead the rival group and projected as though offence has been committed. Further, there is dispute with regard to preference of honour in the temple. It is also submitted that there have been civil suit pending between the petitioner and rival party in O.S.No.378 of 2013 and O.S.No.45 of 2014. In the civil suits, the petitioner could not succeed. Considering all these facts, case has been closed as "Mistake of Fact".



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3. The learned counsel for the petitioner submitted that he is not aware of the closing of the case.

4. The learned Additional Public Prosecutor submitted that closure report would be served to the petitioner.

5. In view of the above, this Criminal Original Petition is closed with liberty to the petitioner to file a protest petition, if he is so advised. Consequently, connected Miscellaneous Petition is also closed.

NCC : Yes / No
Index : Yes / No
Rmk

27.11.2024

To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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