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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 1898 of 2024

AND

CRL MP NO. 1351 OF 2024

1.Jainul Arfin
2.Mohamed Mahadir
3.Absar
4.Mohamed Hussain

Petitioner(s)

Vs

The State Rep By
The Inspector Of Police, Koothanallur Police
Station,
Tiruvarur Cr.No.1122/2020

2.Mr.Asarudeen

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 Cr.PC., to
call for the records relating to the proceedings in Crime No.1122 of 2020 on
the file of the first respondent and quash the same.

For Petitioner(s):

I.Abdul Basith

For Respondent(s):

A.Gopinath Government Advocate Criminal Side



for R1

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ORDER

This Criminal Original Petition is filed to call for the records relating to the proceedings in Crime No.1122 of 2020 on the file of the first respondent and quash the same.

2.Though, notice has been served on the second respondent, there is no representation on behalf of the second respondent either in person or through an Advocate.

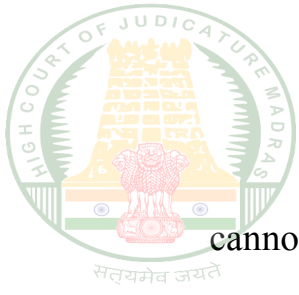
3.The second respondent lodged a complaint against the petitioners alleging that on 04.07.2020 at about 7.15 p.m, the second respondent, while leaving the play ground along with his friends, the petitioners, who are the members of Koothanallur Maradona Club have abused and assaulted the second respondent and gave life threat to him. Further, after alarm raised by the second respondent, the petitioners ran away from the scene of occurrence. On receipt of the said complaint, the first respondent registered a case in crime no.1122 of 2020 and it is pending for investigation. For the



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very same occurrence, the first petitioner lodged a complaint against the second respondent in Cr no.1121 of 2020 for offences under Sections 294(b), 323, 324 and 506(ii) of IPC. In the complaint lodged by the first petitioner, the first respondent completed the investigation and filed a final report and the same has been taken on file in CC No.94 of 2021 on the file of the Judicial Magistrate II, Mannarkudi.

4. There are totally 4 accused persons. Of them, 4th accused was absent before the trial Court and as such the trial Court split up the case and convicted the accused 1 to 3 herein. Now, the trial is pending as against the 4th accused in CC no.442 of 2021. Insofar as the complaint lodged by the second respondent, the FIR is pending as against the petitioners. The first respondent without following the procedure laid down under 556 Police Standing Orders, keeping the FIR pending as against the petitioners. On the complaint lodged by the first petitioner, the first respondent completed the investigation and filed the final report against the aggressors. Now, it was ended in conviction as against the aggressors. Therefore, the first respondent ought to have closed the FIR pending as against the petitioners. The FIR registered as against the petitioners in crime no.1122 of 2020



cannot be sustained and liable to be quashed.

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5. Accordingly, the Criminal Original Petition is allowed and the proceedings in Crime No.1122 of 2020 on the file of the first respondent are hereby quashed.

17-03-2025

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To

1. The State Rep By
The Inspector Of Police
Koothanallur Police Station,
Tiruvarur
Cr.No.1122/2020

2. The Public Prosecutor,
High Court, Madras.



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G.K. ILANTHIRAIYAN.J.,
dn

CRL OP No.1898 OF 2024

17.03.2025