



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.2105 of 2024

1. Ashok Kumar

2. Vimala Rani

3. Dhanalakshmi

... Petitioners

Vs

1. The Inspector of Police,
Devadhanapatti Police Station,
Theni District.
Crime No.457 of 2022.

2. Ramachandran

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the records pertaining to the FIR in Cr.No.457 of 2022 dt.29.11.2022 on the file of the 1st Respondent/Devadhanapatti Police Station, Theni District and quash the same.

For Petitioner : Mr. R.Murugappan

For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Cr.No.457 of 2022 on the file of first respondent police.

2.When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that in this case after completion of investigation, final report has been filed before the Judicial Magistrate Court, Periyakulam as 'mistake of fact'. Hence, nothing survives for further adjudication.

3.The learned counsel for the 2nd respondent would submit that on an earlier occasion, the 1st respondent represented that they will file the final report within one month, but not filed. However, now the respondents have filed the final report as 'mistake of fact', no enquiry was conducted and the copy of the closure report has also been not served to the 2nd respondent.

3.Since this petition is filed to quash the FIR, now the first respondent police, after completion of investigation filed a final report before the Judicial Magistrate, Periyakulam as 'mistake of fact', no further



orders required to be passed in this case. Since the 2nd respondent respondent stated that no notice is served to him for the closure report, it is for the trial Court to take appropriate steps to serve notice to the 2nd respondent in accordance with law. The 2nd respondent is at liberty to challenge the final report, in the manner known to law, if he is aggrieved.

4. In view of the same, preserving liberty of the 2nd respondent to challenge the closure report, this criminal original petition stands closed.

20.03.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
PNM

To
1. The Inspector of Police,
Devadhanapatti Police Station,
Theni District.
Crime No.457 of 2022.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

PNM

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