



CRL O.P. (MD) No.8022 of 2025

IN THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.04.2025

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP. (MD) No.8022 of 2025
and CrI. M.P. (MD) Nos.6054 and 6056 of 2025

1. Varatharajan S/o. Arumugam
2. Santhi W/o. Varatharajan ... Petitioners /Accused 1 & 2
Vs

State rep. by:-

The Inspector of Police,
Karur Town Police Station,
Karur District. ... 1st Respondent / Complainant
[Cr. No.586 of 2019]

2. Chandrasekaran S/o. Govindharajalu ... 2nd Respondent / Defacto
Complainant.

PRAYER: -The Criminal Original Petition is filed under Section 528 of
B.N.S.S., praying to call for records pertaining to the charge sheet in
C.C. No.515 of 2024 on the file of the Judicial Magistrate No.I, Karur
and quash the same.

For Petitioner : Mr. J. Imran Khan
For Respondent : Mr. T. Sakthikumar [for R1]
Government Advocate
[Criminal side]



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ORDER

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This Criminal Original Petition has been filed by the petitioner to quash the proceedings in C.C. 515 of 2024 pending on the file of the learned Judicial Magistrate No.I, Karur.

2. The learned counsel appearing for the petitioner would submit that based on the complaint lodged by the 2nd respondent / defacto complainant, the 1st respondent registered a case in Cr. No.586 of 2019 for the offences under Sections 294(b) and 506(i) of IPC and as per the FIR, there are no ingredients to constitute the offences under Sections 294(b) and 506(i) of IPC. Already one Chandrasekaran, who is the co-brother of the 2nd respondent lodged a complaint against the petitioner and the same was registered in Cr. No.1390 of 2019 before the Saravanampatti Police Station, Coimbatore. Now at the instigation of the said Chandrasekaran with malafide intention, the present complaint has been lodged against the 2nd respondent. Therefore, the pending FIR and the charge sheet in C.C. No.515 of 2024 on the file of the learned Judicial Magistrate No.I, Karur is liable to be quashed.



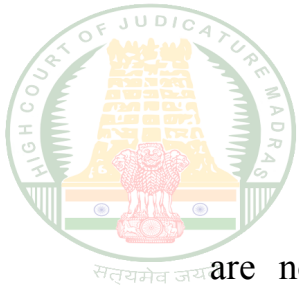
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3. The learned Government Advocate appearing for the 1st would submit that based on the complaint lodged by the 2nd respondent, they registered a case in Cr. No.586 of 2019 and thereafter, they conducted the investigation and filed a final report by closing the complaint lodged by the 2nd respondent as 'mistake of fact'. Therefore, nothing survives for further adjudication. However, on instructions, the learned Government Advocate submitted that after serving of RCS notice to the 2nd respondent / defacto complainant, he filed a protest petition and the same was allowed by the trial Court and now the case is pending in C.C. No. 515 of 2024. Therefore, the petitioner has to challenge the cognizance taken by the trial Court.

4. This Court heard both sides and perused the entire materials available on record.

5. The petitioner challenged the proceedings in C.C. No.515 of 2024 on the file of the Judicial Magistrate No.I, Karur without stating about the closure of the complaint by the 1st respondent after investigation and the protest petition filed by the 2nd respondent. There



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are no any materials produced by the petitioner in respect of the cognizance taken by the learned Judicial Magistrate No.I, Karur based on the protest petition filed by the 2nd respondent.

6. In view of the above circumstances, without issuing notice to the 2nd respondent, this Court is inclined to close the petition with liberty to the petitioner to challenge the cognizance taken by the trial Court in the manner known to law through a separate petition.

7. Accordingly, this Criminal Original Petition is closed with liberty to the petitioner to challenge the cognizance taken by the trial Court based on the protest petition filed by the 2nd respondent / defacto complainant in the manner known to law. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

28.04.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

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To

- 1.The Judicial Magistrate No.I, Karur
2. The Public Prosecutor, Madurai Bench of Madras High Court,
- 3.The Inspector of Police, Karur Town Police Station, Karur District.

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