

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25142 of 2017 &
Crl.M.P.Nos.14480, 14481 & 15168 of 2017

1.Mrs.Vijayalakshmi

2.Arun Prasanna

... Petitioners/Accused 1 & 3

Vs.

1.Rajappa

2.The Inspector of Police,
Central Crime Branch Team III,
Vepery,
Chennai - 600 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Cr. No.247 of 2014 on the file of the Inspector of Police, Central Crime Brach, Team III, Vepery, Chennai and quash the same.

For Petitioners : Mr.Om Prakash, Senior Counsel,
for Mr.Krishna Ravindran

For Respondent 1 : Mr. R.Krishnamurthy, Senior Counsel,
for R.Bharath Kumar

For Respondent 2 : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking to quash the proceedings in Crime No. 247 of 2014 on the file of the second respondent.

2. Heard Mr.Om Prakash, learned Senior Counsel appearing for the petitioners, Mr. R.Krishnamurthy, learned Senior Counsel appearing for the respondent 1 and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. side) appearing for the respondent 2.

3. The various grounds raised by the learned Senior Counsel for the petitioners, seeking to quash the First Information

Report are on facts of the case, which in my view, is within the purview of the Investigating Officer to prove the same. This Court, exercising its powers under Section 482 Cr.P.C., it will not be justified in giving any findings on these factual aspects. Though the learned Senior Counsel appearing for the petitioners raised several grounds, trying to impress this Court that such an incident narrated in the complaint may not have occurred, I am consciously refraining myself from giving any of my views, in view of the fact that these are subject matters for the investigation and the views of this Court should not influence the Investigating Officer. In any case, it would not be appropriate for this Court to step into the shoes of the Investigating Officer, by exercising its powers under Section 482 of Cr.P.C.

4. In view of the above, the Investigating Officer shall complete the investigation and file a final report, within a period of two months, from the date of receipt of a copy of this Order.

5. With the above observations, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

6. At this juncture, the learned Senior Counsel appearing for the petitioners submitted that the first respondent/first accused is on medical treatment and she is undergoing dialysis, pursuant to the kidney transplant on a regular basis and as such, the investigation might cause prejudice to her. This factor is denied by the learned Senior Counsel appearing for the defacto complainant.

7. Nevertheless, the Investigating Officer shall bear in mind about the medical ailments of the first petitioner, during the course of investigation and endeavor to conduct the investigation against the first petitioner in such a manner as to prevent any act which may amount to harassment as against her.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Central Crime Branch Team III,
Vepery, Chennai - 600 007.

2.The Public Prosecutor,
High Court, Madras.

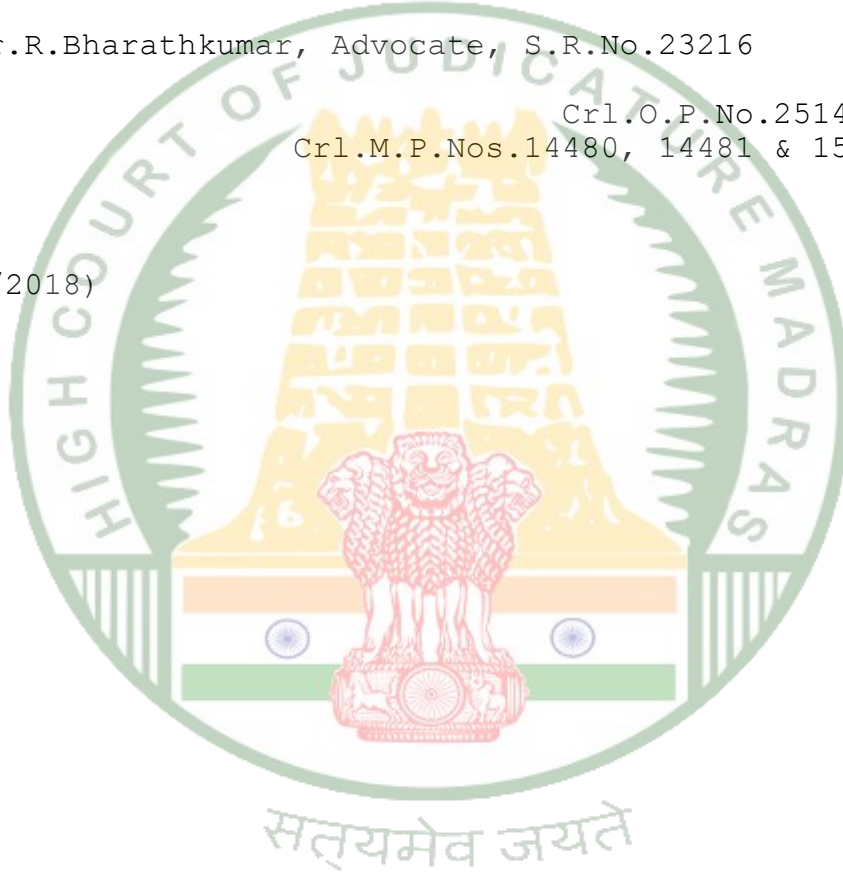
+1cc to Mr.Krishna Ravindran, Advocate, S.R.No.23091

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.23216

CrI.O.P.No.25142 of 2017 &
CrI.M.P.Nos.14480, 14481 & 15168 of 2017

MG (CO)

RRK (12/04/2018)



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