

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16929 of 2018  
and CRL.M.P.No.8741 of 2018

Kokila .. Petitioner  
Vs

1.State rep. by  
The Inspector of Police,  
Sulur Police Station,  
Coimbatore.

2.Gopalakrishnan .. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.469 of 2018 on the file of the 1<sup>st</sup> respondent and quash the same as illegal, incompetent and abuse of process.

For Petitioner : Mr.R.Jayaprakash  
For 1<sup>st</sup> Respondent : Ms.P.Kritika Kamal, GA [Crl. Side]

O R D E R

This petition has been filed to quash the FIR in Crime No.469 of 2018 pending on the file of the 1<sup>st</sup> respondent.

2.On the complaint lodged by the 2<sup>nd</sup> respondent, the 1<sup>st</sup> respondent has registered a case in Crime No.469 of 2018 under Section 294[b], 323, 506[i] and 379 IPC against four accused. Challenging which, Kokila/A4 is before this Court.

3.On a reading of the complaint, it is alleged by the de facto complainant that on 08.06.2018, all the four accused had physically assaulted and had taken videograph of the assault and also taken away his bajaj two-wheeler, Aadhaar card and Rs.15,000/-.

4.Learned counsel for the accused submitted that the accused was nowhere in the place of occurrence and that, she was elsewhere.

5.In the opinion of this Court, alibi is a fact relevant under Section 11 of the Evidence Act, but the same cannot be looked into in this quash proceedings. Since there are prima facie materials, this is not a fit case to quash the FIR, in

the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335. However, the Deputy Superintendent of Police, in charge of Sulur Police Station, Coimbatore is directed to monitor the investigation in Sulur Police Station Crime No.469 of 2018 and if it is found that the petitioner/accused was not in the scene of occurrence, it is needless to say that further proceedings against her shall be closed.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,  
in charge of Sulur Police Station,  
Coimbatore.

2.The Inspector of Police,  
Sulur Police Station,  
Coimbatore.

3.The Public Prosecutor  
High Court, Madras

+1cc to Mr.R.Jayaprakash, Advocate Sr.No.42933

NA(CO)

sm:12.7.2018

सत्यमेव जयते

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