

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.27207 of 2018

and

Crl.M.p.No.15688 of 2018

C.Mugesh

... Petitioner

Vs.

1. State Rep, by
The Inspector of Police,
Irumbulikulurichi PS,
Ariyalur District,
(Crime No.147 of 2017)

2. Mullaiyammal

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for records and quash the First Information Report filed by the first respondent in Crime No.147 of 2018.

For Petitioner : M/s.A.M.Amutha Ganesh
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

ORDER

This petition has been filed seeking to quash the FIR in Cr.No.147 of 2017 on the file of the Inspector of Police, Irumbulikulurichi Police Station, Ariyalur District.

2. The petitioner has been added as the second accused in the FIR. The FIR has been registered for an offence under Sections 294 (b), 324, 506(ii) of IPC. Eventhough, there is a specific overtact against this petitioner in the FIR, the learned counsel for the petitioner would submit that this petitioner was actually attending the examination in the college and he was not present in the scene of occurrence and the name of the petitioner has been added in the FIR without any basis. Plea raised by the petitioner is alibi and the same can not be taken into account by this Court at the time of considering the quash petition under Section 482 of Cr.P.C. If the petitioner had attended the examination on that day, when the offence is said to have been committed, he can place all those materials before the respondent police, who will take the same into consideration during the course of investigation.

3. This Court is not inclined to interfere with the FIR at this stage. In view of the above, this criminal Original Petition is dismissed and the respondent police is directed to 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. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dss

To

1. The Inspector of Police,
Irumbulikurichi Police Station,
Ariyalur District.
2. The Public Prosecutor,
Madras High Court, Madras.

Crl.O.P.No.27207 of 2018

SP(06/12/2018)



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