



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.13441 and 14318 of 2017
and
Crl.M.P. (MD) No.9043 of 2017
and
Crl.M.P. (MD) No.6459 of 2018

Crl.O.P. (MD) No.13441 of 2017:

1.F.X.Nepolean
2.F.X.John Kennedy
3.F.X.Kumaran
4.Vijaya

... Petitioners

Vs.

1. State,
Rep. by The Inspector of Police,
Ariyamangalam Police Station,
Trichy City.
(Crime No.476/2015)

2.Paramasivam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the First Information Report dated 02.10.2015 in Crime No.476 of 2015, on the file of the first respondent and quash the same as illegal as against the petitioners and devoid of merits.

For Petitioners : Mr.M.Jegadeesh Pandian

For R 1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side).

For R2 : Mr.Baskarmathuram



Crl.O.P. (MD) No.14318 of 2017:

Paramasivam

... Petitioner

Vs.

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The Inspector of Police,
Ariyamangalam Police Station,
Trichy City.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to conduct a fair investigation and also file a final report as contemplated under Section 173(2) of Cr.P.C, in Cr.No.476 of 2015.

For Petitioner : Mr.Baskarmathuram

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side).

COMMON ORDER

Since the issue involved in both the cases are one and the same, the petitions are disposed of by this common order.

2.The Criminal Original Petition in Crl.O.P.(MD) No.13441 of 2017 has been filed seeking to quash the F.I.R. registered by the respondent Police and which is pending investigation.

3. The Criminal Original Petition in Crl.O.P.(MD) No.14318 of 2017 has been filed for a direction to direct the respondent to conduct a fair investigation and also file a final report as contemplated under Section 173(2) of Cr.P.C, in Cr.No.476 of 2015.

4. Heard the learned counsel for the petitioners in both petitions and the learned Government Advocate (Criminal Side) appearing on behalf of the first respondent.

5.The contentions put forward by the learned counsel appearing on behalf of the petitioners are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore, does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.



6. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

7. In the result, the Criminal Original Petition in Crl.O.P. (MD) No.13441 of 2017 is dismissed and the respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of four (4) weeks from the date of receipt of a copy of the order.

8. In view of the above order passed in Crl.O.P.(MD) No.13441 of 2017, the prayer sought for by the petitioner in Crl.O.P.(MD) No.14318 of 2017 becomes infructuous. Therefore, Crl.O.P.(MD) No.14318 of 2017 is closed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

das
To

1. The Inspector of Police,
Ariyamangalam Police Station,
Trichy City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.S.BASKAR MATHURAM, Advocate (SR-99155[F] dated
18/11/2019), 99156

Crl.O.P.(MD) No.13441 and 14318 of 2017
and
Crl.M.P.(MD) No.9043 of 2017
and
Crl.M.P.(MD) No.6459 of 2018
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KK/SAR/05.12.2019/3P-5C/