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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P. (MD) No.1723 of 2020

and

Cr1.M.P. (MD) No.818 of 2020

A.Balagurunathan

... Petitioner

Vs

1.The Inspector of Police
Sivagangai Taluk Police Station
Sivagangai District

2. Balamurugan ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in FIR in Crime No.01 of 2020 dated 06.01.2020 on the file of the first respondent police and quash the same against the petitioner.

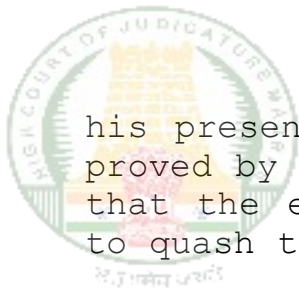
For Petitioner : Mr.M.Ramu

For Respondents : Mrs.S.Bharathi
No.1 Government Advocate (Cr1.Side)

O R D E R

This criminal original petition has been filed to quash the First Information Report in Crime No.01 of 2020 dated 06.01.2020 on the file of the first respondent police as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioner in Crime No. 1 of 2020 for the offences under Sections 147,148,341,294(b), 307 and 506(ii) of IPC. He would also submit that the alleged occurrence is stated to have taken place on 06.01.2020 at 09.15 hrs and the complaint was stated to have given at the respondent police at 12.00 hrs. He would submit that A5 one Balagurunathan is working as a teacher in Model School, Kalukudipatti, S.Pudur which is about 85 kms away from the place of occurrence. He would also submit that it is humanly impossible that the petitioner would have involved in the offence at the particular time and that



his presence in the Model School, Kalukudipatti, S.Pudur is proved by the bio metric attendance there and he would also submit that the entire complaint is a false complaint . Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that investigation is still pending and this petition is in premature stage. She would also submit that the Head Master of the School has also sent a report to the respondent police and it will be duly enquired and the the final report will be filed after due enquiry.

4. The petitioner has pleaded alibi and he has also stated that he was at the relevant time present 85km away and his presence is marked by the biometric attendance and the concerned Headmaster has also given a report. This Court is of the opinion the above facts has to be investigated and the FIR cannot be quashed at the threshold. However, it is made clear that the respondent shall conduct due enquiry with regard to the plea of the petitioner.

5. Recording the same, the Criminal Original Petition is closed. Consequently, connected Crl.M.P.(MD) No.818 of 2020 is also closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police
Sivagangai Taluk Police Station
Sivagangai District

2.The Additional Public Prosecutor,
Madurai bench of Madras High Court, Madurai.

+1 CC to M/s.M.RAMU, Advocate (SR-4510[F] dated 03/02/2020)

CRL.O.P. (MD) No.1723 of 2020
03.02.2020

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