

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5017 of 2021
and Crl.M.P No.3204 of 2021

1.Achuthan, S/o.Nagan
2.Shyamala, W/o.Achuthan
3.Madhan, S/o.Nagan ..Petitioners

vs.

1. The Inspector of Police,
Vengal Police Station,
Thiruvallur.1st Respondent/Complainant
2. Kumar2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.2089 of 2020 on the file of the 1st respondent and quash the same.

For Petitioners: Mr.K.Thenrajan

For R1 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed to quash the case in Crime No.2089 of 2020 pending on the file of the first respondent.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

3.The contentions put forward by the learned counsel appearing on behalf of the petitioner 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.

4. It is seen that there is case in counter registered in Crime Nos.2089 and 2090 of 2020. In cases of this nature, both FIRs will have to be investigated and the respondent police will have to find the real aggressor and file a final report in the concerned FIR.

5. Considering the allegations made against the first respondent police, this Court deems it fit and proper to direct the Deputy Superintendent of Police, Oothukottai, to monitor the investigation conducted by the first respondent and ensure that a fair investigation is conducted in this case.

6. In the result, this Criminal Original Petition is disposed of 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 two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Oothukottai.

2. The Inspector of Police,
Vengal Police Station,
Thiruvallur.

3. The Public Prosecutor,
High Court of Madras,
Madras.

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GPL (CO)
CB(31/03/2021)