

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P No.6524 of 2021

and

Crl.M.P No.4333 of 2021

1. B.Kavitha
2. B.Priya
3. B.Bhuvaneswari
4. B.Shalini ... Petitioners / A1 to A4

vs.

1. State rep. by
The Sub Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam. ... Respondent / Complainant
(Crime No.67 of 2021)

2. Meerabai ... Respondent / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.67 of 2021 pending on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.A.Suresh Sakthi Murugan
For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
For R2 : Mr.M.K.Subramanian

ORDER

(Through video conferencing)

This Criminal Original Petition has been filed by the petitioner seeking to call for the records pertaining to the First Information Report in Crime No.67 of 2021 pending on the file of the 1st respondent police and quash the same.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.It is seen that it is a case in counter. The petitioners herein are arrayed as an accused in Crime No.67 of 2021 and the defacto complainant are arrayed as an accused in Crime No.66 of 2021. In both the crime numbers the offences are similar in nature. It seems that there is a dispute with regard to the usage of bathroom by the petitioners herein

which has been obstructed and consumed by the defacto complainant. The contention of the defacto complainant seems to be otherwise. Since one of the petitioner is a law graduate and due to the pendency of the case she is unable to get enrolled.

4.The contentions put forward by the learned counsel appearing on behalf of the petitioner is 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 1st respondent Police.

5.In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the 1st respondent Police at this stage.

6.In view of the same, this Criminal Original Petition is dismissed and the 1st 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 three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssi

To

1. The Sub Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.
2. The Public Prosecutor,
High Court of Madras,
Madras.

+lcc to Mr.A.Suresh Sakthi Murugan, Advocate, S.R.No. 26904
+lcc to Mr.M.K.Subramanian, Advocate, S.R.No. 26121

Cr1.OP No.6524 of 2021
and
Cr1.M.P No.4333 of 2021

UM(CO)
GN(28/06/2021)

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