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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.18453 of 2021

and

Crl.M.P. (MD)No.10166 of 2021

Arun Santhosh ... Petitioner / Accused No.4

Vs

1.The State rep. by
Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District. ... 1st Respondent / Complainant

2.Thangaraj ... 2nd Respondent / Defacto complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in FIR in Crime No.216 of 2021 dated 03.07.2021 pending on the file of the first respondent police as against the petitioner and quash the same.

For Petitioner : Mr.M.Pandian
For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

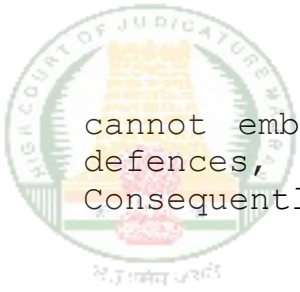
ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.216 of 2021 registered on the file of the first respondent for the offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(2) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

2. The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds and submitted that the petitioner was not even present in the scene of occurrence.

3. As rightly pointed out by the learned Additional Public Prosecutor, I cannot go into the said factual aspect at this point of time. The petitioner has been named in the FIR as A4. It is also stated that two persons suffered injuries.

4. The Hon'ble Supreme Court has time and again held that investigation cannot be scuttled at the initial stage and that the Court should not exercise jurisdiction under Section 482 of Cr.P.C.



cannot embark on a factual probe. Leaving open the petitioner's defences, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD)No.18453 of 2021
25.11.2021

RD(04.12.2021) 2P 3C