



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Criminal Original Petition No.10369 of 2022

a n d

Criminal Miscellaneous Petition No.6184 of 2022

1. Sundaravadivel

2. Deva @ Devan

... Petitioners/Accused 1 & 2

Vs

1. The State

rep. By The Inspector of Police

T 6 Avadi Police Station

Thiruvallur District.

... Respondent/Complainant

2. Balaji

... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Crime No.2005 of 2021 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.N.Suriyamuthu

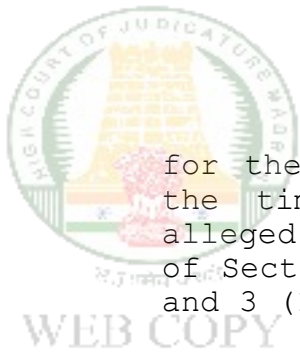
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.1.

O R D E R

This Criminal Original Petition has been filed to quash Crime No.2005 of 2021, on the file of the first respondent Police

2. Heard Mr.N.Suriyamuthu, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent.

3. The main attack made by the learned counsel appearing



for the petitioners is that the petitioners are not present at the time of alleged offence and moreover, the offences as alleged in the First Information Report do not have ingredients of Sections 147, 341, 294 (b), 324, 427 of the Indian Penal Code and 3 (1) (R), 3 (1) (s) of the SC ST (POA) Act, 1989.

4. On a perusal of the First Information Report and the materials available on record, this Court is of the considered view that the plea of absence of the accused in the place of occurrence cannot be gone into at this stage. It has to be proved in a trial. The Court, while exercising the power under Section 482 o of the Code of Criminal Procedure, cannot make a roving enquiry, as the trial Court. Hence, I do not find any materials even to presume that the First Information Report is an abuse of process of law.

5. In such a view of the matter, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Inspector of Police
T 6 Avadi Police Station
Thiruvallur District.
2. The Public Prosecutor
High Court
Madras.

Cr1. O.P. No. 10369 of 2022

SSN (CO)
UMA (14/06/2022)