



WEB COPY

Crl.O.P.No.6904 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6904 of 2023

and

Crl.M.P.No.4337 of 2023

Thirulok Chander

... Petitioner

-VS-

1. State, by
The Sub-Inspector of Police,
Ambattur Police Station,
Ambattur,
Chennai-600 053.

2.Komala

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in Crime No.752 of 2022 dated 05.11.2022 on the file of the 1st Respondent, Ambattur Police Station, Chennai.

For Petitioner : Mrs.T.K.S.Bharathy Shri
For 1st Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For 2nd Respondent : Mr.N.Ganesh



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ORDER

The petition is filed to quash the FIR in Crime No.752 of 2022 dated 05.11.2022 on the file of the 1st Respondent, Ambattur Police Station, Chennai, on the ground that, on the date of alleged occurrence, the petitioner was not in Chennai, but, elsewhere. The plea of alibi was set up by the accused as defence and this plea has to be tested in the manner known to law in the trial.

2. The learned Government Advocate submits that on completion of investigation, the final report has already been filed before the learned Judicial Magistrate, Ambattur, and the same was taken cognizance by the learned Magistrate in C.C.No.616 of 2023.

3. In the light of the above fact, the plea raised by the petitioner herein to quash the FIR has to be tested in the course of trial and not in a quash petition filed under Section 482 Cr.P.C.

4. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No

Neutral Citation : Yes/No

ssn

To

1. The Sub-Inspector of Police,
Ambattur Police Station,
Ambattur,
Chennai-600 053.
2. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.,

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