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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.15711 of 2023
and CrI.M.P No.9793 of 2023

Jay Mondal

Petitioner

vs.

1.State By:

The Inspector of Police,
Uthukuli Police Station,
Tiruvallur District.
(Crime No.317 of 2022)

2.Arun Sakthi Kumar

Government Official Gazetted Officer,
Bureau of Imegration (MHA)
Government of India,
Chennai – 600 006.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the FIR filed against the petitioner in Crime No.317 of 2022 pending on the file of the 1st respondent police.

For Petitioners : Mr.S.Senthil

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor for R1



ORDER

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This petition has been filed to call for the records in Crime No.781 of 2021 on the file of the 1st respondent police.

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

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

5. In the result, this Criminal Original Petition is dismissed 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 eight weeks from the date of receipt of a copy of this order.

6.The learned counsel for the petitioner submitted that the petitioner is now confined in the Special Camp at Tiruchirapalli and therefore, he is in not a position to give his statement before the Investigation Officer along with the relevant documents. In the considered view of this Court, the defence that has been taken by the petitioner cannot be considered by this Court in this petition. However, there shall be a direction to the Investigation Officer to record the statement of the petitioner and also collect the relevant documents in the course of investigation. Since the petitioner is confined in the Special Camp, the Investigation Officer shall go over to the Special Camp and record the statement and collect the relevant documents. Consequently, connected miscellaneous petition is closed.

14.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr



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N. ANAND VENKATESH,, J.

SSR

To

- 1.The Inspector of Police,
Uthukuli Police Station,
Tiruvallur District.
- 2.The Public Prosecutor,
High Court of Madras, Madras.

Crl.O.P No.15711 of 2023
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