



Criminal Original Petition No.16535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.16535 of 2023

and

CrI.M.P.No.10582 of 2023

Selvaraj
S/o.Kandasamy

...Petitioner

Vs

1.State represented by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District - 642 126.
[Crime No.397 of 2022]

2.M.Premalatha
W/o.Mani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in Crime No.397 of 2022 pending on the file of first respondent and quash the same.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.397 of 2022 on the file of first respondent.

2. Heard Mr.A.Suresh Sakthi Murugan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for State/first respondent.

3. The contentions put forward by learned counsel appearing on behalf of 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 Cr.P.C. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

4. It is also brought to the notice of this Court that there is a case in counter in Crime No.396 of 2022 on the file of first respondent and both these First Information Reports [Crime Nos.396 and 397 of 2022] are being investigated by the first respondent police.



Criminal Original Petition No.16535 of 2023

5. In view of the same, there is no question of interfering with one of the First Information Report in Crime No.397 of 2022. Ultimately, both the First Information Reports will have to be investigated in order to find out the real aggressor in the case and accordingly, the final report shall be filed in accordance with law.

In the result, this Criminal Original Petition is dismissed and the first 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 two (2) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

25.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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To

1. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District - 642 126.
[Crime No.397 of 2022]

2. The Public Prosecutor,
High Court, Madras.



Criminal Original Petition No.16535 of 2023

N.ANAND VENKATESH, J

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