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Criminal Original Petition No.19424 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.19424 of 2023

and

CrI.M.P.No.13079 of 2023

Masiulla Khan
S/o.Hafizulla Khan

...Petitioner

Vs

1.State of Tamil Nadu,
represented by Inspector of Police,
AWPS - Triplicane,
Triplicane, Chennai - 600 014.

2.Sayeeda Lubna Khadri
D/o.Mohammed Jawad Hussain

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the impugned FIR in Crime No.3 of 2022 pending investigation on the file of first respondent and quash the same.

For Petitioner : Mr.S.Mukunth, Senior Counsel
for Mr.M.S.Swathish Kumar

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



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ORDER

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2. Heard Mr.S.Mukunth, learned Senior Counsel appearing 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. Learned Additional Public Prosecutor, on instructions, submitted that investigation has been completed and final report has already been filed before Additional Mahila Court, Metropolitan Magistrate, Egmore and the



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same is yet to be taken on file.

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5. In view of the above, this Court is not inclined to interfere with the First Information Report at this stage. The Court below shall act upon the final report filed by the respondent police within a period of six (6) weeks from the date of receipt of a copy of this order. If ultimately, the Court below takes cognizance and issues summons to the petitioner and the petitioner is aggrieved by the same, it is left open to the petitioner to work out his remedy in the manner known to law.

This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

29.08.2023

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

N.ANAND VENKATESH, J



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gm

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To

- 1.The Additional Mahila Court,
Metropolitan Magistrate,
Egmore.
- 2.The Inspector of Police,
AWPS - Triplicane,
Triplicane, Chennai - 600 014.
- 3.The Public Prosecutor,
High Court, Madras.

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