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Crl.OP.No.20463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20463 of 2023

and

Crl.M.P.No.13934 of 2023

1. Anbu @ Sundaramoorthy,
S/o.Krishnan

2. Krishnan,
S/o. Palanivel

... Petitioners

Vs.

State rep. by

1. The Inspector of Police,
Deevattipatti Police Station,
Salem District.
Crime No.216 of 2023.

2. Chennappan,
S/o.Mariyappan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.216 of 2023 pending on the file of the Inspector of Police, Deevattipatti Police Station, Salem District and quash the same.

For Petitioners : Mr.M.Vinoth

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.Side] [R1]



Crl.OP.No.20463 of 2023

ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.216 of 2023 on the file of first respondent.

2. Heard Mr.M.Vinoth, learned counsel for petitioners and Mr.A.Gopinath, learned Government Advocate [Crl.Side] appearing for first respondent.

3. The contentions put forward by learned counsel appearing on behalf of petitioners 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. Earlier, the second respondent had filed an application u/s.156(3) Cr.P.C. before the Judicial Magistrate, Omalur and the same was rejected by learned Judicial Magistrate by order dated 08.09.2022.

This became a subject matter of challenge before this Court in



Crl.OP.No.20463 of 2023

Crl.R.C.No.1422 of 2022. This Court, by an order dated 01.02.2023, allowed the revision by touching upon the *prima facie* materials and directed the respondent police to register a First Information Report and pursuant to the same, the First Information Report was registered in Crime No.216 of 2023. This First Information Report has been put to challenge in this petition. If, this First Information Report is interfered with by this Court, it will virtually amount to stalling the earlier order passed by this Court in Crl.R.C.No.1422 of 2022. This is yet another reason as to why this Court is not inclined to interfere with the investigation in Crime No.216 of 2023 at this stage.

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 three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

11.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm



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Crl.OP.No.20463 of 2023

N.ANAND VENKATESH, J.

gm

To

1.The Inspector of Police,
Deevattipatti Police Station,
Salem District.
Crime No.216 of 2023

2.The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No.20463 of 2023

11.09.2023