



WEB COPY



Crl.O.P.No.1443 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1443 of 2024

And

Crl.M.P.No.1017 of 2024

Jayabalan

... Petitioner

Vs.

1.State, rep. by
Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
Crime No.461/2023

2.Ganapathy

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to the Crime No.461 of 2023 pending on the file of the first respondent Inspector of Police, Virudhachalam Police Station, Cuddalore District and quash the same.

For Petitioner : M/s.K.Muruganandam
For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in Crime No.



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461 of 2023 on the file of the Inspector of Police, Virudhachalam Police Station, Cuddalore District and quash the same.

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

3.The learned counsel for the petitioner submitted that the petitioner who has been arrayed as A3 was not even in the scene of occurrence. To substantiate the same, the learned counsel brought to the notice of this Court the attendance register maintained by the School and according to the petitioner on 19.09.2023 he was working in the School. This plea of alibi cannot be gone into in a quash petition. However, this fact has to be taken into consideration by the respondent police during the course of investigation.

4.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. This Court must also bear in mind the parameters laid down by the Apex Court in **Neeharika**



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Infrastructure Pvt.Ltd., case reported in **2021 SCC Online SC 315**.

Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

5.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.

6.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 months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

29.01.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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N.ANAND VENKATESH,J.
pri

To

- 1.The Inspector of Police
Virudhachalam Police Station,
Cuddalore District.
Crime No.461/2023
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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