



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5294 of 2024
and Crl.M.P.No.3851 of 2024

1.S.Sivakumar

2.K.Vijayalakshmi

... Petitioner

Vs.

1.State Rep. by: The Assistant Commissioner of Police,
Semmanchery ACP Office,
Semmanchery,
Chennai – 600 119.

2.State Rep. by: Inspector of Police,
Perumbakkam Police Station,
Perumbakkam,
Chennai.

3.Karthikeyan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.58 of 2022 dated 05.05.2022 on the file of the Respondents and quash the same.

For Petitioner : Ms.G.Selvi George

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor for R1 and R2



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ORDER

This petition has been filed to call for the records in Crime No.58 of 2022 on the file of the respondent police and quash the same.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side).

3.The contentions put forward by the learned counsel appearing on behalf of the 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 of Cr.P.C. This Court must also bear in mind the parameters laid down by the Apex Court in *Neeharika 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.

4.This Court had already considered the facts of the present case in Crl.O.P.No.2685 of 2023 by an order dated 26.08.2023 and found that the allegations made in the present case are quite serious and it requires effective investigation and



this Court had transferred the investigation to the file of the Assistant Commissioner of Police, Semmanchery. Therefore, this Court is not inclined to interfere with the FIR at this stage.

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

06.03.2024

Index: Yes/No
Internet: Yes/No
ssr

To

1.The Assistant Commissioner of Police,
Semmanchery ACP Office,
Semmanchery,
Chennai – 600 119.

2.The Inspector of Police,
Perumbakkam Police Station,



Perumbakkam,
Chennai.





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N.ANAND VENKATESH,J.

SSR

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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