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Criminal Original Petition No.3356 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3356 of 2024

and

Crl.M.P.No.2492 of 2024

Ramamoorthy,
S/o.Kandasamy

... Petitioner

Vs.

1. The State represented by its,
Inspector of Police,
Puduchattram Police Station,
(Crime No.291/2023)

2. Masilamani,
S/o.Periyasamy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in Crime No.291 of 2023 on the file of the respondent police and quash the same.

For Petitioner : Mr.E.C.Ramesh

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



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ORDER

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

3. The main ground that was taken by learned counsel for petitioner is that the petitioner was not even present on the date of alleged offence. The plea of alibi cannot be gone into in a quash petition.

4. The contentions put forth 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 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



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inclined to interfere with the investigation conducted by the respondent Police 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, as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

19.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
Puduchattram Police Station.

2.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



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