



CrI.O.P.No.4257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4257 of 2024

Elayavanan

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
(Crime No.651 of 2021)

2.State Rep. by
Sub Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
(Crime No.651 of 2021)

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the entire records connected with the F.I.R. in Crime No.651 of 2021 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.K.Kannan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

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



CrI.O.P.No.4257 of 2024

651 of 2021 on the file of the first respondent and quash the same.

WEB COPY

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

3.The main ground that was urged by the learned counsel for the petitioner is that the petitioner was not even in the scene of occurrence and he has been falsely roped in this case. Literally, the learned counsel for the petitioner raised the plea of alibi to substantiate the same. The learned counsel also relied upon the CCTV footage. It shall also be taken into consideration by the respondent Police before concluding the prosecution.

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 Infrastructure Pvt.Ltd.**, case reported in **2021 SCC Online SC 315**. Any finding on facts will also have a bearing on the investigation



CrI.O.P.No.4257 of 2024

conducted by the respondent Police.

WEB COPY

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.

23.02.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
(Crime No.651 of 2021)

2.The Sub Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
(Crime No.651 of 2021)

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

3/4



WEB COPY



CrI.O.P.No.4257 of 2024

N.ANAND VENKATESH,J.
pri

CrI.O.P.No.4257 of 2024

23.02.2024