



Criminal Original Petition No.5771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5771 of 2024

&

CrI.M.P.No.4202 of 2024

Sameera Aftab
D/o.Muhammad Aleem Abdullah ... Petitioner
Vs.

1.State represented by
Inspector of Police,
Anna Nagar Police Station,
Chennai District.
Crime No.317 of 2022

2.Shahida Aleem
W/o.Dr.Muhammad Aleem Abdullah ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records and quash the First Information Report in Crime No.317 of 2022 on the file of first respondent police.

For Petitioner : Mr.S.Esakkimuthu

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



Criminal Original Petition No.5771 of 2024

ORDER

WEB COPY This petition has been filed to call for the records in Crime No.317 of 2022 on the file of first respondent and quash the same.

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

3. 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.

4. 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.

5. The dispute is between the mother and the daughter. The



Criminal Original Petition No.5771 of 2024

petitioner is now residing in Canada. The first respondent police is not able to make any progress in this case since they were not able to record the statement of the petitioner. Hence, there shall be a direction to the petitioner to immediately give the e-mail details of the petitioner to the first respondent. On receipt of the same, the first respondent shall send a notice u/s.41-A Cr.P.C. through e-mail to the petitioner and fix a date for the enquiry of the petitioner through video conferencing platform. On recording the statement of the petitioner, the first respondent police shall come to a conclusion.

In the result, this Criminal Original Petition is dismissed and the first 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.

11.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm

N.ANAND VENKATESH, J.



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Criminal Original Petition No.5771 of 2024

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To

1. The Inspector of Police,
Anna Nagar Police Station,
Chennai District.
Crime No.317 of 2022
2. The Public Prosecutor,
Madras High Court, Chennai - 104.

Criminal Original Petition No.5771 of 2024

11.03.2024