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Criminal Original Petition No.5835 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.5835 of 2024

&

CrI.M.P.No.4251 of 2024

S.Gajapathy

S/o.A.Selvarajan

... Petitioner

Vs.

1. State represented by

Inspector of Police

Metro Wing II, CBCID

Chennai.

2. Mr.K.P.Sundaramurthy

S/o.Perichae Gounder K.P

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for entire records in Cr.No.8 of 2021 on the file of Inspector of Police, CBCID (metro), Chennai and quash all further proceedings in the said FIR.

For Petitioner

: Mr.P.Ramesh Kumar

For Respondents

: Mr.A.Damodaran

Additional Public Prosecutor[R1]



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ORDER

WEB COPY This petition has been filed to call for the records in Crime No.8 of 2021 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.

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



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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.

11.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
Metro Wing II, CBCID,
Chennai.
2. The Public Prosecutorm
Madras High Court, Chennai - 104.

N.ANAND VENKATESH, J.



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