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Crl.OP.No.9384 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.9384 of 2024

and

Crl.MP.No.6532 of 2024

Kavitha

... Petitioner

Vs.

1. State Represented by
Inspector of Police,
Jedarpalayam Police Station,
Namakkal District,
(Cr.No.124 of 2023)

2. Eswaran

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings against the petitioner/accused in Cr.No.124 of 2023 dated 21.11.2023 pending on the file of 1st respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.S.Udayakumar for R1
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to call for the records and quash the proceedings against the petitioner/accused in Cr.No.124 of 2023 dated 21.11.2023 pending on the file of 1st respondent police.

2. Learned counsel for the petitioner states that a money dispute been given criminal colour. He particularly says that the date on which the complainant alleged to have given the money to the petitioner, the petitioner was not in the town, but he was attending a criminal case elsewhere. These points are all purely a matter of fact, which have to be enquired by the police, who is investigating the case. Similarly on 05.10.2023, the petitioner was not in the place of occurrence, but was in Chennai.

3. This Court is unable to understand how the High Court under Section 482 of the Cr.P.C., can look into the facts and conduct enquiry. It is for the investigating agency to verify those facts and arrive at a conclusion. Mini trial cannot be conducted in the High Court, under the guise of exercise of inherent power under Section 482 of Cr.P.C.,

4. In view of the above, this Criminal Original Petition is



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dismissed. Consequently, connected miscellaneous petition is closed.

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18.04.2024

gv

To

1. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District,
(Cr.No.124 of 2023)

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



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Dr.G.JAYACHANDRAN,J.

gv

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