



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.12330 of 2023
and Crl.MP.No.7561 of 2023

1.S.M.B.Sathik

2.Mrs.Yasmine Babu

...Petitioners/Accused No.1 & 2

.Vs.

1.The State of Tamil Nadu
Rep.by Inspector of Police
EDF-1, CCB, Tambaram City Police.

..1st Respondent/Complainant

2.Mohamed Ashraf Buhari

..2nd Respondent/De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.37 of 2023, dated 4.3.2023, pending on the file of 1st respondent offence under Section 464, 465, 467, 468, 471, 406, 420, 506(i) r/w 34 of IPC and quash the same as against the petitioners.

For Petitioners : Mr. G.V.Sridharan

For respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

Mr.Antony Jesus for R2

ORDER

This petition has been filed seeking to quash the FIR in Crime No.203 of 2022, pending on the file of the 1st respondent.



2. Heard Mr. G.V.Sridharan, learned counsel for the petitioners, Mr.A.Gopinath, learned Government Advocate (Crl.Side) for R1 and Mr.Antony Jesus, learned counsel for R2.

3.The contentions put forward by the learned counsel appearing on behalf of the petitioners is 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.**, 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. 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 eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order



WEB COPY



To

1. Inspector of Police
EDF-1, CCB, Tambaram City Police.
2. The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY



4

N.ANAND VENKATESH.J.,

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