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CrI.O.P.No.19261 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.19261 of 2024

and

CrI.M.P.No.11327 of 2024

Tabrez

... Petitioner

Vs.

1.State Rep. by Inspector of Police,
Pallavaram Police Station, Tambaram.

2.Bakhar Abbas

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in FIR No.10 of 2024 dated 06.01.2024 on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.H.Mohamed Ghouse

For R1 : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

Pursuant to the direction of the Judicial Magistrate under Section 156(3) Cr.P.C., the respondent police has registered the case in Crime No.10 of 2024 for the offence under Sections 147, 294 b, 323, 506(i) IPC against this petitioner and 5 others. This petitioner is arrayed as 6th accused.



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According to the petitioner he was not in the scene of occurrence on the alleged date and time. There is a dispute regarding management of the Dargah and the matter is pending before the Waqf board for reconsideration of the trustees. While so, the rival claimants in order to wreck vengeance has implicated this petitioner in this case in spite of the fact that he was not present at the scene of occurrence.

3. The learned counsel appearing for the petitioner submits that it is purely a civil dispute regarding management of the Dargah. The person who has given the complaint nothing to do with the affairs of Dharga and therefore, investigation against him has to be quashed.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that since there is a direction from the Judicial Magistrate after preliminary enquiry, FIR been registered. Only on completion of investigation whether in the incident alleged in the complaint, the petitioner had a role or not will be decided. He further submits that the investigation will be completed within a period of two months. Based on the out come of the investigation, report will be filed



CrI.O.P.No.19261 of 2024

before the Judicial Magistrate.

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5. Recording the same, this Criminal Original petition is disposed of as premature. Consequently, the connected Criminal Miscellaneous Petition is closed.

09.08.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
Pallavaram Police Station, Tambaram..

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

Dr.G.JAYACHANDRAN,J.

rpl



WEB COPY



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