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Crl.O.P.No.23066 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23066 of 2023

and

Crl.M.P.No.16165 of 2023

S.Padmanaban
S/o.Santhanam

...Petitioner

Vs

1.The Inspector of Police,
Sriperambatur Police Station,
Kancheepuram District.
Crime No.271 of 2023

2.Raja
S/o.Paneerselvam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating the case in Crime No.271 of 2023 on the file of respondent police herein and quash the same.

For Petitioner : Mr.M.Muthu Sabareesan
For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side) [R1]



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ORDER

This petition has been filed to call for the records in Crime No.271 of 2023 on the file of the first respondent and quash the same.

2. Heard learned counsel for the petitioner and learned Government Advocate (Criminal Side) appearing for first respondent.

3. Learned Government Advocate [Crl.side] submitted that there is a case in counter in Crime No.261 of 2023 on the file of first respondent.

4. The contentions put forward by 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.



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5. 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 respondent Police is directed to proceed further with the investigation in Crime Nos.261 and 271 of 2023 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.

22.01.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

1. The Inspector of Police,
Sriperambatur Police Station,
Kancheepuram District.
Crime No.271 of 2023

2. The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH, J

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