



WEB COPY



Crl.O.P.No.23218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23218 of 2023

N.Neelakandan

... Petitioner

Vs.

1.State rep. by
Sub-Inspector of Police,
Arambakkam Police Station,
Gummidipoondi Taluk,
Thiruvallur District.

2.Kavalan

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in the above F.I.R. No.247 of 2019, dated 02.10.2019 pending investigation on the file of the first respondent and quash the same.

For Petitioner : Mr.K.S.Murugan
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to call for the records in Crime No.247 of 2019 on the file of the first respondent and quash the same.



Crl.O.P.No.23218 of 2023

WEB COPY

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that the investigation has been completed and final report has been filed before the learned Judicial Magistrate No.1, Gummidipoondi and the e filing number LTN20220002058 C 202400006 was also furnished before this Court.

4.The contentions put forward 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.

5.In the light of the above development the relief sought for by



CrI.O.P.No.23218 of 2023

the petitioner cannot be granted by this Court. If ultimately, the learned Judicial Magistrate takes the final report on file and issue summons to the petitioner, it will be left open to the petitioner to work out his remedy in the manner known to law.

6.This criminal original petition is disposed of in the above terms.

06.02.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Sub-Inspector of Police,
Arambakkam Police Station,
Gummidipoondi Taluk,
Thiruvallur District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



WEB COPY



Crl.O.P.No.23218 of 2023

N.ANAND VENKATESH,J.
pri

Crl.O.P.No.23218 of 2023

06.02.2024