



WEB COPY



CrI.O.P.No.4043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4043 of 2024

And

CrI.M.P.No.2997 of 2024

B.Ramadoss

... Petitioner

Vs.

State by Inspector of Police,
CBCID Police Station,
Krishnagiri.
Crime No.175 of 2021

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to quash the entire proceedings in FIR in Crime No.175 of 2021 on the file of the Inspector of Police, CBCID Police Station, Krishnagiri.

For Petitioner	: Mr.M.Manivasagam for M/s.M.Manivasagam Associates
For Respondent	: Mr.A.Damodaran Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in Crime No. 175 of 2021 on the file of the respondent and quash the same.



CrI.O.P.No.4043 of 2024

WEB COPY

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The main ground that was urged by the learned counsel for the petitioner was that departmental proceedings were initiated against the petitioner on the very same cause of action and the petitioner was exonerated from the departmental proceedings. Therefore, the learned counsel for the petitioner submitted that if the petitioner was not found guilty by applying preponderance of probabilities, he cannot be prosecuted in the criminal case where the standard of proof is proof beyond reasonable doubt. The learned counsel further submitted that the petitioner has been roped in this case mainly on the confession of the co-accused. This ground raised by the petitioner shall also be kept in mind by the respondent Police.

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



CrI.O.P.No.4043 of 2024

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 facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

6.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 four weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

22.02.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



WEB COPY



Crl.O.P.No.4043 of 2024

N.ANAND VENKATESH,J.
pri

To

- 1.The Inspector of Police,
CBCID Police Station,
Krishnagiri.
Crime No.175 of 2021
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl.O.P.No.4043 of 2024
And
Crl.M.P.No.2997 of 2024

22.02.2024