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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)Nos.2164 and 3782 of 2023

and

Crl.M.P(MD)Nos.1868, 1869, 3360 and 3362 of 2023

For Crl.O.P(MD)No.2164 of 2023

L.Balaji

... Petitioner

Vs

1. The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.21 of 2014.

2. M.Thamodharan

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records relating to Crime No.21 of 2014 on the file of the first respondent and quash the same as against the Petitioner.

For Petitioner : Mr.K.Bala Sundaram

For M/s.KBS Law office

For R1 : Mr.S.Ravi

Additional Public Prosecutor

For R2 : Mr.V.Lakshmanan



For CrI.O.P(MD)No.3782 of 2023

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J.Suresh

... Petitioner

Vs

1. The Inspector of Police,
Amathur Police Station,
Virudhunagar District
(Crime No.21 of 2014).

2. M.Thamodharan

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records relating to Crime No.21 of 2014 on the file of the first respondent and quash the same as against the Petitioner.

For Petitioner : Mr.K.Bala Sundaram

For M/s.KBS Law office

For R1 : Mr.S.Ravi

Additional Public Prosecutor

COMMON ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 21 of 2014 pending investigation on the file of the



first respondent.

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2. Heard the learned counsel appearing on either side.

3. The contentions put forward by the learned counsel appearing on behalf of the petitioners 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.

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, these Criminal Original Petitions are 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 three months from the date of receipt of a copy of this order. If ultimately final report is filed against the petitioners and process is issued to the petitioners, they are aggrieved by the same, it is left open to them to workout their remedy in the manner known to law, if so advised. Consequently, the connected miscellaneous petitions are closed.

05.11.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR



To

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1. The Inspector of Police,
Amathur Police Station,
Virudhunagar District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

Crl.O.P(MD)Nos.2164 and 3782 of 2023

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