



Crl.O.P.(MD)No.23365 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.23365 of 2023

and

CrI.M.P.(MD) No.18142 of 2023

P.Murugesan

... Petitioner

Vs.

1.The Inspector of Police,
City Crime Branch,
Madurai City,
Madurai District.
Crime No.10 of 2023.

2.S.Sivaprakash

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned FIR in Cr.No.10 of 2023 dated 1.9.2023 on the file of the 1st Respondent Police and to quash the same as illegal in so far as the Petitioner is concerned.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondents : Mr.A.Albert James
Government Advocate (Crl. Side)
for R1
Mr.Pal Murugan for R2



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ORDER

This petition has been filed to call for the records in Crime No.10 of 2023 on the file of the first respondent police and quash the same.

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing on behalf of the first respondent and the learned counsel for the second respondent.

3.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.



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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, 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 two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

05.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN
To

- 1.The Inspector of Police,
City Crime Branch,
Madurai City,
Madurai District.
- 2.The Additional Public Prosecutor
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

PKN

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