



Crl.O.P.(MD)No.22637 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22637 of 2024

Balasubramani

... Petitioner

Vs

1. State of Tamil Nadu,
Through The Inspector of Police,
Uthapanayakanoor Police Station,
Madurai District.
Crime No.111 of 2014..

2. Shenbagapandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Impugned Charge Sheet in CC.No.209 of 2015 on the file of the Learned Judicial Magistrate Court No.II,Usilampatti,Madurai District and to quash the same as illegal.

For Petitioner : M/s. A.Arputharaj

For Respondents : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

M/s. S.Sabbani Karupiah (R2)



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.209 of 2015, on the file of the learned Judicial Magistrate No.II, Usilampatti, Madurai District and quash the same as illegal, improper and abuse of process of law.

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

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. It is a case of job racketing. The investigation is in the crucial stage. Though the second respondent has given an affidavit to compound the offence, this Court is not in a position to entertain the same.



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4.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 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 per rules.

20.12.2024

NCC : Yes / No
Index : Yes / No
PNM



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To

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1.The Judicial Magistrate No.II, Usilampatti, Madurai District

2.The Inspector of Police,
Uthapanayakanoor Police Station,
Madurai District.
Crime No.111 of 2014.

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



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M.NIRMAL KUMAR, J.

PNM

Order in
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