

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.06.2015

DELIVERED ON : 30.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.15620 of 2015
and M.P.No.1 of 2015

1.M.Pandian
2.Senkuttuvan
3.G.Veerapandian
4.Rajeswari ... Petitioners

vs.

1.The Sub-Inspector of Police, M2
Kammapuram Police Station
Cuddalore District
Cr.No.5 of 2015.

2.R.Rajeevgandhi ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in FIR in Cr.No.5 of 2015 on the file of the 1st respondent police and quash the same under the circumstances of the case.

For Petitioners Mr.G.Kadhiresan
For R1 Mr. C. Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records in FIR in Cr.No.5 of 2015 on the file of the 1st respondent police and quash the same under the circumstances of the case.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. On a complaint lodged by one Rajeevgandhi, the respondent police registered a case in Cr.No.5 of 2015 on 19.01.2015 for offences under Sections 294 (b), 323, 324 and 506(ii) IPC against the petitioners herein. The crux of the allegation in the complaint is that, on 17.01.2015 around 7.15 in the evening, when there was pongal

festivities in the village, the defacto complainant was attacked by the petitioners herein, in which the defacto complainant suffered injuries and was admitted in the hospital.

4. The learned counsel for the accused submitted that, the complaint in this case is said to have been received by the police when the defacto complainant was an inpatient in the Government Hospital on 19.01.2015 but whereas, the accused produced hospital records to show that the defacto complainant was discharged on the very same day and therefore, the FIR is a fabricated one. In support of this contention, the learned counsel for the accused produced the documents received from the hospital under Right to Information Act.

5. This Court is unable to persuade itself to countenance this submission, because an information obtained by the accused under the provisions of the RTI Act cannot be used in a proceedings under Section 482 Cr.P.C. to quash an FIR, especially when the investigation is at a very nascent stage. The Hon'ble Supreme Court in State of Haryana vs. Bhajan Lal [AIR 1992 SC 604] has laid down the parameters for quashing an FIR. This Court under Section 482 Cr.P.C. cannot go into the disputed questions of fact and stifle a lawful investigation by the police.

In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petition is closed.

gms

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Sub-Inspector of Police,
M2 Kammapuram Police Station
Cuddalore District

2.The Public Prosecutor
High Court, Madras.

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Cr1.O.P.No.15620 of 2015