

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26483 of 2015
& M.P.No.1 of 2015

B.Balaji alias Raja

... Petitioner /Accused

Vs

1. The State rep. by
The Inspector of Police,
V-4, Rajamangalam Police Station,
Kolathur, Chennai - 99.

... Respondent/Complainant

2.Mohan

... Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.1834 of 2013 dated 30.12.2013 and quash the first information report pending on the file of the first respondent.

For Petitioner : Mr.M.V.Muralidaran

For respondent-1 : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to call for the records in Crime No.1834 of 2013 dated 30.12.2013 and quash the first information report pending on the file of the first respondent.

2. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, Criminal Side appearing for the first respondent. In view of the limited order going to be passed hereunder, this Court is of the opinion that there is no need to issue notice to the second respondent.

3. The case in Crime No.1834 of 2013 has been registered against the petitioner based on the complaint given by one Mohan, the second respondent herein for the alleged offence punishable under Sections 294(b), 323, 336, 341, 397 and 506(ii) of I.P.C. To quash the same, the present criminal original petition has been filed.

4. However, I am of the considered opinion that the scope of Section 482 Cr.P.C. to quash the first information report is very limited. The first information report can be quashed only if the allegations made in the complaint do not constitute any offence or if there is any legal flaw. By applying the said legal principles, I do not find any valid ground to quash the first information report pending in Crime No. 1834 of 2013. Hence, I am not inclined to entertain the present petition.

5. In fine, the criminal original petition is disposed of giving liberty to the petitioner to work out his remedy after filing of the final report. The first respondent is directed to complete the investigation and file a final report as expeditiously as possible, preferably within three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.
smi

Sd/-
Assistant Registrar (C.C.C.)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
V-4, Rajamangalam Police Station,
Kolathur, Chennai - 600 099.
2. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.M.V.Muralidharan, Advocate in SR.NO.62218

Cr1.O.P.No.26483 of 2015

KJI (CO)
sd : 26/11/2015

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