

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30177 of 2015

M.Rajesh

... Petitioner

Vs

1. The Inspector of Police,
C.2, Sunguvar Chathiram Police Station,
Kancheepuram District.

2. Sivakumar

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the FIR in Crime No.40 of 2012 on the file of the first respondent.

For Petitioner : Mr.J.Ramkumar

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1

ORDER

The present criminal original petition has been filed to call for the records in Crime No.40 of 2012 on the file of the first respondent police and quash the same.

2. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, 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.40 of 2012 has been registered against the petitioner based on the complaint given by the second respondent herein for the alleged offence punishable under Section 363 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.40 of 2012. Hence, I am not inclined to entertain the present petition.

5. In fine, the criminal original petition is dismissed. However, the petitioner is at liberty 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 a period of three months from the date of receipt of a copy of this order.

sbi

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
C.2, Sunguvar Chathiram Police Station,
Kancheepuram District
2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.J.Ramkumar, Advocate SR 68684

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