

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.30217 of 2015
and M.P.No.1 of 2015

1. Kumarappan
2. Palanisamy
3. Dhanabagiyam
4. Senthilkumar
5. Kannammal

.... Petitioners

Vs

- 1.State rep. by
The Inspector of Police,
Omalur Police Station,
Salem District.

2. Siddaiyan

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertinent to FIR registered in Cr.No.833 of 2013 pending on the file of the first respondent and quash the same.

For Petitioners: Mr.S.Sivakumar

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

ORDER

The present criminal original petition has been filed to call for the records pertinent to FIR registered in Crime No.833 of 2013 pending on the file of the first respondent and quash the same.

2. I have heard the learned counsel appearing for the petitioners 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.833 of 2013 has been registered against the petitioners based on the complaint given by the second respondent herein for the alleged offence punishable under Sections 147, 447, 427 and 506(ii) 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.833 of 2013. Hence, I am not inclined to entertain the present petition.

5. In fine, the criminal original petition is dismissed. However, the petitioners are at liberty to work out their 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. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Inspector of Police,
Omalar Police Station,
Salem District

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S. Sivakumar, Advocate Sr.69472

Cr1.O.P.No.30217 of 2015

SVI (CO)
EU 08.1.16