

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17510 of 2016
and Cr1.M.P.No.8392 of 2016

R.Kanagaraj ..Petitioner

Vs

1.P.Murugesan
Assistant Engineer
PWD, Gauging Sub Division
Aliyar Nagar.

2.State by
Sub Inspector of Police
Aliyar Police Station
Coimbatore District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in FIR in Cr.No.129 of 2016 dated 24.06.2016 pending investigation on the file of the second respondent police and quash the same against the petitioner.

For Petitioner : Mr.M.Jaikumar

For R2 : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the records in FIR in Cr.No.129 of 2016 dated 24.06.2016 pending investigation on the file of the second respondent police and quash the same against the petitioner.

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

3. On the complaint lodged by P.Murugesan, Assistant Engineer, Public Works Department, the respondent police registered a case in Cr.No.129 of 2016 for offences u/s 379 and 511 IPC on 24.06.2016, challenging which the petitioner is before this Court.

4. On a reading of the FIR it is seen that, the Public Works Department received information on 20.06.2016 that there is an attempt to cut and take away five trees and when they went to the spot, they found that five trees have been cut and were kept ready for being taken out. At that time, the petitioner herein, who was the watchman was not available. Thereafter, when the petitioner came, he was questioned by the officials, but he pleaded ignorance. During the course of investigation, it transpired that the petitioner was involved in the offence and therefore, he was arrested and remanded to custody and now he has been released on bail. At this juncture, the petitioner is before this Court for quashing the FIR.

5. Learned counsel for the petitioner submitted that though the incident had taken place on 20.06.2016, the FIR was registered only on 24.06.2016 with a delay and that there is no material as against the petitioner.

6. In the considered opinion of this Court, delay in lodging an FIR is not fatal in every case, especially, where Government properties are stolen, as that would come to light only subsequently. That apart, FIR is not the encyclopedia of the prosecution case. During investigation, the police have gathered materials implicating the petitioner, on account of which he has been arrested. When investigation is at the infancy stage, it is not desirable to quash the FIR in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal [AIR 1992 SC 604]. The respondent police is directed to thoroughly conduct investigation and during investigation, if it is found that the petitioner is innocent, it is needless to state that the action against him should be dropped.

With the above observation, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Sub Inspector of Police
Aliyar Police Station
Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.

Cr1.OP No.17510 of 2016

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