

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.272 of 2016

And

Cr1.M.P.No.129 of 2016

Mohamed Uhsan Sherif

... Petitioner

Vs.

1. State, rep by it's the Inspector of Police,
All Women Police Station,
Kallakurichi,
Villupuram District.

2. P.Chitra

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in Crime No.42 of 2015 dated 20.11.2015 on the file of 1st Respondent, the Inspector of Police, All Women Police Station, Kallakurichi, Villupuram District and quash the same in so far as the petitioners.

For Petitioner : Mr.P.Rajavel

For Respondents : Mr.C.Emalias for R1

Additional Public Prosecutor

ORDER

This petition is filed praying to call for the records in Crime No.42 of 2015 dated 20.11.2015 on the file of 1st Respondent, the Inspector of Police, All Women Police Station, Kallakurichi, Villupuram District and quash the same in so far as the petitioners.

2.The petitioner is the first accused in Crime No.42 of 2015 registered on 20.11.2015 for the offence punishable under Sections 294(b), 354, 354(A)(i) of IPC. The complaint was lodged by one Chitra/ defacto complainant as against the petitioner and another one Sivasakthi/second accused.

3.Today, when the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that the case in Crime No.42 of 2015 is pending from 20.11.2015, but till date the investigation has not been commenced. Further, he submitted that the allegations made in the complaint do not specify the name of the petitioner and thus, he sought for quashing of the FIR.

4.Heard the learned Additional Public Prosecutor.

5.The petitioner has approached this Court for quashing of FIR when investigation is under progress. Hence, in the considered opinion of this Court, the scope for quashing the FIR is very narrow and the present petition is pre-mature in nature. At this juncture, this Court is not inclined to entertain this petition and hence, this Criminal Original Petition is dismissed. The petitioner is at liberty to approach this Court after filing of the final report. Consequently, the connected miscellaneous petition is also closed.

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s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Kallakurichi,
Villupuram District.

2. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.P.Rajavel, Advocate SR 1180

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