

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14085 of 2015
and Cr1.M.P.No.1 of 2015

1.Chandramugil
2.K.Gnanasekar

... Petitioners/Accused

Vs.

1. State by
Inspector of Police,
Maraimalai Nagar Police Station,
Maraimalai Nagar,
Kancheepuram District.
(Crime No.694 of 2014)

.. 1st Respondent/Complainant

2. G.Selvakumar

...2nd Respondents/Defacto
Complainant

Prayer :

Criminal Original Petition filed under Section 438 Cr.P.C.
praying to call for the records in FIR in Crime No.694 of 2014
on the file of the respondent police and Quash the same.

For Petitioners: Mr.M.Vijaya Kumar

For RR1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For RR2 : No Appearance

O R D E R

The prayer sought for in the present criminal original
petition is to call for the records in FIR in Crime No.694 of
2014 on the file of the respondent police and Quash the same.

2. The learned Counsel appearing for the petitioners would
submit that the petitioners are innocent persons and they have
not committed any offence as alleged by the prosecution. Without
any base, the first respondent police registered a case in Crime

No.694 of 2014 for the offences under Sections 406, 420, 465, 468 and 471 I.P.C. as against the petitioners. Hence he prayed to quash the same. He further submitted that earlier complaint lodged against the petitioners was enquired and the same was closed. However, the second complaint has been lodged against the petitioners.

3. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police have only to file final report.

4. Heard Mr.M.Vijaya Kumar, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 1st Respondent.

5. It is seen from the First Information Report that there is a specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the crime is of the year 2014, the first respondent is directed to enquire into the earlier complaint and the present complaint and complete the investigation in Crime No.694 of 2014 and file a final report within a period of two months from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

7. With the above directions, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

lok/pds

To

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Maraimalai Nagar,
Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No.16507

+1cc to Mr.M.Vijaya Kumar, Advocate, S.R.No.16236

Crl.O.P.No.14085 of 2015
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CA(CO)
CS/29/03/2019