

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27773 of 2018

N.Rangaswamy

...Petitioner

-Vs-

1.The State rep. by its
The Inspector of Police,
Central Crime Branch - 5 (CCB -5)
Vepery, Chennai - 600 007.

2.Savithiri

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the first respondent herein in FIR/Crime No.166/2014, dated 29.03.2014 by the Central Crime Branch, Chennai and quash the same.

For Petitioner : Mr.R.S.Anandan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed challenging the F.I.R. registered by the first respondent police in Crime No.166 of 2014.

2. The learned counsel for the petitioner would submit that the petitioner was not even aware of registration of FIR and he came to know about the FIR registered by the first respondent police only after a summon was issued to him on 27.10.2018. The learned counsel would submit that there are sufficient records to show that the petitioner had absolutely no access to the service records and he was not involved in any tampering and only a false case has been given against the petitioner.

3. The learned counsel would further submit that departmental proceedings have been kept pending from the year 2013 onwards only on the basis of the F.I.R., pending against the petitioner. The learned counsel would further submit that

the petitioner is aged more than 64 years and due to the false complaint given against him, he is facing potential threat of arrest and the departmental proceedings is also kept pending. The learned counsel would further submit that even a reading of the entire allegation in the F.I.R., would show that no case has been made out against the petitioner.

4. The issue raised by the learned counsel is factual in nature. Even according to the petitioner, the records by themselves will show that the correct date of birth of the petitioner has been recorded and in all the pay slips it is clearly seen. All these records will be taken into consideration by the first respondent police in the course of investigation. This Court cannot assess the materials while considering the petition for quashing of the FIR and it is left to the Investigating Agency to investigate and take a final decision.

5. The learned Additional Public Prosecutor would submit that the first respondent police have almost completed the investigation and a month time may be granted to the first respondent police to file a final report.

6. This Court is not inclined to interfere with the F.I.R. at this stage. Accordingly, this Criminal Original Petition is disposed of, with a direction to the first respondent police to complete the investigation and file a final report or a closure report, as the case may be, within a period of one month from the date of receipt of copy of this order.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsa/rli
To

1. The Inspector of Police,
Central Crime Branch - 5 (CCB -5)
Vepery, Chennai - 600 007.

2. The Additional Public Prosecutor,
High Court, Madras.
+1 cc to Mr.R.S.Anandan, Advocate Sr.No.81896

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CSL/17.12.2018