

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.28772 of 2018 and
CrI.M.P.No.16796 of 2018

K.Muthaiah

...Petitioner

Versus

1.State rep. by,
The Inspector of Police (Crime),
R3 Ashok Nagar Police Station,
Ashok Nagar, Chennai-83.

2.Kala

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record and quash the proceedings in F.I.R No.257 of 2018, on the file of the Inspector of Police (Crime), R3 Ashok Nagar Police Station, Ashok Nagar, Chennai-83 and quash the same.

For Petitioner : Mr.R.Kalyan Kishen Singh

For 1st Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the F.I.R in Crime No.257 of 2018, pending on the file of the 1st respondent Police.

2.It is seen from the records that based on the complaint given by this petitioner, the respondent Police registered an F.I.R. in Crime No.256 of 2018 against the 2nd respondent and her husband for the offences under Section 406 and 420 of I.P.C. Both the F.I.Rs are now investigated by the same 1st respondent police.

3.The learned Counsel for the petitioner would submit that the petitioner being a Doctor and who attempted to solve a family problem, was unnecessarily dragged into a controversy by the 2nd respondent and her husband and the petitioner in fact gave the first complaint, which resulted in registration of F.I.R in Crime No.256 of 2018. The learned counsel also relied

upon the various messages that were sent by the 2nd respondent and submitted that the petitioner has been unnecessarily dragged into a controversy and a false complaint has been given as against the petitioner.

4.The learned Additional Public Prosecutor would submit that both the cases have being investigated and the investigation is almost in the verge of completion and the 1st respondent police will file a report within a period of three months, before the concerned Court.

5.Since, the case and a counter case is investigated by the 1st respondent police, this Court cannot interfere with one F.I.R, since the entire truth will get revealed only if both the F.I.R's are investigated. In view of the fact that the 1st respondent has already completed the investigation in both the cases, this Court is not inclined to interfere with the investigation at this stage.

6.This Criminal Original Petition is disposed of, with a direction to the 1st respondent police to complete the investigation and file a final report or a closure report, as the case may be within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police (Crime),
R3 Ashok Nagar Police Station,
Ashok Nagar, Chennai-83.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Kalyan Kishen Singh, Advocate sr 85256.

Cr1.O.P.No.28772 of 2018

SP(26/12/2018)