



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.6123 of 2018

and

CrI.M.P(MD) .No.2923 of 2018

Gopal

... Petitioner/Sole Accused

-vs-

1. The Inspector of Police,
Murappanadu Police Station,
Tuticorin District.
(Crime No.36 of 2018)

... Respondent/Complainant

2. Lakshmanan

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.36 of 2018 dated 16.03.2018 on the file of the respondent No.1 for offences under Section 341, 294 (b) and 506(ii) IPC and quash the same as illegal.

For Petitioner : Mr.Anto Prince
for Mr.T.Lajapathi Roy

For R-1 : Mr.Prabhu Ramachandran
Government Advocate (CrI.Side)

ORDER

This petition has been filed seeking to quash the First Information Report registered in Crime No.36 of 2018 for the offences punishable under Sections 341, 294(b) and 506(ii) IPC, on the file of the first respondent.

2.According to the petitioner, no offence is made out against the petitioner to register a case under Sections 341, 294(b) and 506 (ii) IPC and the said case is registered based on the false and frivolous complaint lodged by the defacto complainant. Therefore, this petition has been filed to quash the said First Information Report.

3.The learned Government Advocate (crl.side) would submit that based on the complainant given by the de-facto complainant, a case in Crime No.36 of 2018 has been registered against the petitioner by the first respondent police on 16.03.2018. He would further submit that after investigation, if no offence is made out, the said



complaint will be closed and if any offence is made out, the case will be proceeded in accordance with law. Further, this petition is filed in a prematured stage and hence prays for dismissal of this petition.

4. It is seen from the records that the First Information Report has been registered only on 16.03.2018 and investigation is at the preliminary stage. As rightly pointed out by the learned Additional Public Prosecutor, during investigation, if no offence is made out, the complaint will be closed and if any offence is made out, then only the complaint will be proceeded further. At this stage, this Court cannot grant any relief to the petitioner, since investigation is in pre-matured stage.

5. Accordingly, this Criminal Original Petition is dismissed. The first respondent is directed to expedite enquiry in respect of the case in Crime No.36 of 2018 and complete the same within a period of eight weeks from the date of receipt of a copy of this order. Consequently, CrI.M.P(MD).No.2923 of 2018 is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Murappanadu Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

RMK

DS/SV/MMS/SAR-2 :17.05.2018: 2P/3C

CRL.O.P. (MD) No. 6123 of 2018
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