



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P. (MD)No.9545 of 2018

and

Crl.M.P. (MD)No.4236 of 2018

Herbert @ Herbert Muthuraj

... Petitioners/Accused No.2

Vs.

State rep by

1. The Inspector of Police,

Puthiamputhur Police Station,

Thoothukudi Distirct.

(In Crime No.51 of 2018)

...1st Respondent/complainant

2.P.Selvi

...2nd Respondent/De-facto

Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the FIR in Crime No.51 of 2018 on the file of the 1st respondent police and quash the same as illegal in respect of the petitioners herein.

For Petitioner : Mr.V.Malaiyendran

For R1 : Mr.Prabhu Ramachandran

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.51 of 2018 on the file of the first respondent police.

2.According to the petitioner, the de-facto complainant has preferred a complaint against the petitioner for offences under Sections 342, 294(b), 355 and 506(ii) IPC.

3.The learned counsel appearing for the petitioner would submit that there is no commission of offence made out against the petitioner to register the criminal case in Crime No.51 of 2018 and a false case has been foisted against the petitioner. Since the respondent police has not filed charge sheet, the petitioner has filed the present petition for the aforesaid relief.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that on the basis of the



complaint given by the de-facto complainant, the present case has been registered in Crime No.51 of 2018 against the petitioner. He would further submit that the investigation is pending.

5.As pointed out by the learned Government Advocate(Crl.side), investigation in Crime No.51 of 2018 is pending. Therefore, at this stage, it is not possible to ascertain the nature of offence, mainly cognizable or non-cognizable. Therefore, this Court cannot grant the relief as sought by the petitioner and hence, this criminal original petition is dismissed. However, this Court directs the first respondent police to complete the investigation in Crime No.51 of 2018, within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi Distirct.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Malaiyendran, Advocate Sr.No.69049

NS

VB/PN/SAR3/17.07.2018/2P/4C

Cr1.O.P. (MD)No.9545 of 2018
20.06.2018