



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.07.2018

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Crl.O.P. (MD) No.10405 of 2018
and
Crl.M.P. (MD) No.4647 of 2018

1. M.Maheswaran

2. Mahalingam

3. M.Hemalatha

... Petitioners/Accused Nos 1 to 3

Vs.

1.The Inspector of Police,
Nachiyakoil Police Station
Thanjavur District
(Crime No.174/2018)

...1st Respondent / Complainant

2.Arivazhagan

...2nd Respondent / defacto
complainant

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to FIR in Crime No. 174 of 2018 on the file of the first respondent and quash the same as illegal, unlawful, and abuse process of law.

For Petitioners	: Mr.R.Krishnamurthy
For Respondents	: Mr.Prabhu Ramachandran Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to call for the records relating to FIR in Crime No. 174 of 2018 on the file of the first respondent and quash the same

2. According to the learned counsel for the petitioner, there is no commission of offence as against the petitioners herein. The dispute is purely civil in nature and therefore, the petitioner has filed the present criminal original petition.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the case has been registered on 07.05.2018 and now, the investigation is pending. He further submitted that the first respondent will complete the investigation within four weeks.



4. As rightly pointed out by the learned Government Advocate (Crl.Side) that the alleged complaint preferred by the defacto complainant is civil in nature. The investigating officer has to investigate the matter, whether it is civil in nature or not and at this stage, the investigation proceedings cannot be stalled in the light of the decision in State of Haryana and Others vs. Bhajan Lal, reported in [1992 Supp (1) SCC 335] , the Honourable Supreme Court has laid down certain parameters for quashing an F.I.R. Following the same, in the State of Andhra Pradesh vs. Vangaveeti Nagaiah, reported in AIR 2009 SC 2646, the Honourable Supreme Court has held that while exercising powers under Section 482 Cr.P.C., the Court should not function as a court of appeal or revision. Inherent jurisdiction under Section 482 Cr.P.C., though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the Section itself. The facts of the present case do not pass muster the law laid down in the above cited Judgments. In such view of the matter, this Court is of the view that this is not a fit case, wherein the F.I.R., can be quashed.

5. As per the undertaking given by the Government Advocate (Crl.Side), the first respondent is directed to complete the investigation by conducting fair investigation and submit a report before the Judicial Magistrate No.II, Kumbakonam within a period of four weeks from the date of receipt of a copy of this order

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate No.II,
Kumbakonam
- 2.The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
- 3.The Inspector of Police,
Nachiyakoil Police Station,
Thanjavur District



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Krishnamurthy, Advocate, SR.No.73975.

Cr1.O.P.(MD)No.10405 of 2018
and
Cr1.M.P.(MD)No.4647 of 2018
19.07.2018

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RAM/SV/SAR 1/25.07.2018/3P/6C