



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.13179 of 2018
and
Crl.M.P.(MD) No.5915 of 2018

Shanmugam ... Petitioner / A8

vs.

1.State rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District,
In Cr.No.176 of 2018. ... 1st Respondent /
Complainant

2.Anushiya ... 2nd Respondent /
De facto Complainant

PRAYER: Criminal original petition filed, under Section 482 Cr.P.C., to call for the records pertaining to the impugned F.I.R., in Crime No.176 of 2018, dated 05.04.2018 on the file of the first respondent police and quash the same as illegal in so far as the petitioner's concerned.

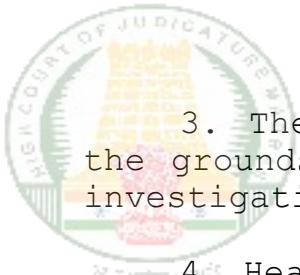
For Petitioner : Mr.A.Joel Paul Antony

For R1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, to quash the proceedings in Crime No.176 of 2018 , on the file of the first respondent Police.

2. The learned counsel for the petitioner submitted that the FIR registered by the first respondent does not attract the offences and the same is an abuse of process of law. He further submitted that on the date of occurrence, the petitioner was working in Kongo Print Packin Private Limited, Coimbatore. Therefore, implicating the petitioner in the aforesaid case is nothing but an abuse of process of law.



3. The learned Additional Public Prosecutor would submit that the grounds raised by the petitioner cannot be entertained and the investigation is still pending.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and perused the materials placed on record.

5. After hearing both side and perusing the materials placed on record, it is seen that the proceedings in Crime No.176 of 2018, on the file of the first respondent - Police, are at the stage of investigation. 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.

6. In the result, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Cr1.Side)

/True Copy/

Sub Assistant Registrar (CS-III)

To:

- 1.The Inspector of Police,
Kulithalai Police Station,
Karur District,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.Joel Paul Antony, Advocate in SR.No.76858.

AM

DS RKS SAR-3;27.08.2018; 2P/4C

Cr1.O.P.(MD) No.13179 of 2018
01.08.2018