

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.OP.No.1241 of 2016
and CRL.M.P.No.557 of 2016

1.Rajkumar (A1)

2.Lakshmanan (A2) ... Petitioners/Accused

Vs.

State Represented by
Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in respect of the case in Crime No.1504/2011 (On the file of Inspector of Police H-8, Thiruvottiyur Police Station, Chennai) and quash the same in view of the above said grounds.

For Petitioners: Mr.D.Rajagopal

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the Crime No.1504 of 2011, on the file of the Inspector of Police H-8, Thiruvottiyur Police Station, Chennai.

2.The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the respondent police registered a case in Crime No.1504 of 2011 for the offence under Sections 419, 420, 423, 465, 466 r/w 471, 468, 473, 474 and 120(b) IPC, as against the petitioners. Hence he prayed to quash the same.

3.The learned Additional Public Prosecutor would submit that the case has been transferred to CCB, Chennai.

4.Heard, Mr.D.Rajagopal, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5.It is seen from the First Information Report that there is a specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6.In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the crime is of the year 2011, the CCB, Chennai is directed to complete the investigation in Crime No.1504 of 2011 and file a final report within a period of three months from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

7.With the above directions, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

pam

To

1.The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Chennai - 104.

+1 CC to Mr.D.Rajagopal, Advocate sr 32274.

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SSD(CO)
SP(07/06/2019)