

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.24374 of 2016
and Crl.MP.Nos.2716 & 2717 of 2019
and Crl.M.P.No.11636 of 2016

Duraisamy

... Petitioner

Vs.

1.The State of Tamilnadu
Rep.by Inspector of Police,
Sooramangalam Police Station,
Salem District.

2.C.R.Tamilvanan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in FIR No.386 of 2016 on the file of the respondent police and quash the same.

For Petitioner : Mr.M.Devaraj

For Respondents: Mr.Mohammed Riyaz, for R1
Additional Public Prosecutor.
Mr.Shanmugam, for R2

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.386 of 2016 registered by the first respondent police for offences under Sections 417 and 379 of IPC, as against the petitioner.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.386 of 2016 for the offences under Sections 417 and 379 of IPC, as against the petitioner. Hence he prayed to quash the same.

3.The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police

have only to file final report.

4.Heard Mr.M.Devaraj, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent.

5.It is seen from the First Information Report that there is a specific allegation as against the petitioner, 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, the petitioner is at liberty to submit all the records in respect of the machines and order in I.A.No.21 of 2016 in O.S.No.16 of 2016 on the file of Sub-Court, Dindigul before the first respondent. On receipt of the same, the first respondent is directed to conduct enquiry with the petitioner and the second respondent/de-facto complainant, after giving opportunity of personal hearing to the parties concerned within a period of three months from the date of receipt of a copy of this order. Considering the fact that the crime is of the year 2016, the first respondent is directed to complete the investigation in Crime No.386 of 2016 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.

7.With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AT

To

1.The Inspector of Police,
Sooramangalam Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Shanmugam, Advocate, Sr.No. 34534

CrI.O.P.No.24374 of 2016

CSL/28.05.2019



WEB COPY