

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.03.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7227 of 2018
and Crl.M.P.No.3730 of 2018

N.Loganathan

... Petitioner

Vs

1.The State of Tamil Nadu
rep. By The Inspector of Police,
Vanur Police Station,
Villupuram District.

2.N.Kumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to Crime No.637 of 2017 on the file of Inspector of Police, Vanur Police Station, Villupuram, quash the same.

For Petitioner : Mr.A.Saravanan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor for R1
No Appearance for R2

O R D E R

This Criminal Original Petition has been filed seeking to call for the records pertaining to Crime No.637 of 2017 on the file of Inspector of Police, Vanur Police Station, Villupuram, quash the same.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3.The case of the prosecution is that the de-facto complainant namely Kumar had borrowed a sum of Rs.50,000/- from the petitioner on 09.06.2010 against which, the de-facto complainant has mortgage his property but the de-facto complainant had executed a Power of Attorney in favour of the petitioner. Thereafter, the de-facto complainant borrowed money from the petitioner in various dates. Thereafter, the petitioner executed the sale deed in favour of his wife. The de-facto complainant approached the petitioner on 12.10.2017 to repay the borrowed amount. But the petitioner denied and asked 6% interest from the de-facto complainant. Further the

petitioner criminally intimidated the de-facto complainant. The case of the respondents is totally false. Therefore, the petitioner prays to quash the F.I.R.

4.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 encyclopaedia 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.

5.In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the crime is of the year of the FIR as 2017. The first respondent is directed to complete the investigation and file a final report within a period of two weeks from the date of receipt of a copy of this Order.

6.This Criminal Original Petition is disposed of accordingly. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rna

To

1.The Inspector of Police,
Vanur Police Station,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.19572

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VSN II(CO)

RRS (12/04/2019)