

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4867 of 2016

Kamala @ Kamala Bai

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
S-6, Sankar Nagar Police Station,
Pammal, Chennai - 600 075.

2.R.Rajesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in FIR in Crime No.1383 of 2013 on the file of the 1st respondent police, S-6, Sankar Nagar Police Station, Pammal, Chennai-600 075 and quash the same.

For Petitioner : M/s T.S.Sivasubramaniam

For Respondent-1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

For Respondent-2 : No Appearance

सत्यमेव जयते
O R D E R

This petition has been filed to quash the F.I.R. in Crime No.1383 of 2013 registered by the first respondent police for an offences under Sections 3(2)(a), 4(1), and 5(1)(a), JTP, Act, 1951 of IPC, as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Without any base, the 1st respondent police registered a case in Crime No.1383 of 2013 for the offences under under Sections 3(2)(a), 4(1), and 5(1)(a), JTP, Act, 1951 of IPC, as against the petitioner. Hence she 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 M/s T.S.Sivasubramaniam, 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, considering the crime is of the year 2013, the first respondent police is directed to complete the investigation in Crime No.1383 of 2013 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, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

msm

To

1.The Inspector of Police,
S-6, Sankar Nagar Police Station,
Pammal, Chennai - 600 075.

2.The Judicial Magistrate
Tambaram.

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3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V,Kasiviswanathan, Advocate, S.R.No.23939

MV(CO)
CB(23/04/2019)

CrI.O.P.No.4867 of 2016



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