

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4962 of 2019

N.Munusamy

... Petitioner

Vs

1.State Rep. by

The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.155/2018)

2.Nagarani

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the F.I.R.No.155 of 2018 dated 10.07.2018 on the file of the respondent police.

For Petitioner : Mr.L.Muthusamy

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

The prayer sought for in the present petition is to call for the records and quash the F.I.R.No.155 of 2018 dated 10.07.2018 on the file of the respondent police.

2. The learned Counsel appearing for the petitioner would submit that based on the false complaint given by one Mrs.Nagarani, the first respondent police registered a case in FIR No.155 of 2018 on 10.07.2018 against the petitioner for the offences under Sections 294 (a), 427, 323, 324, 506 (1) of the Indian Penal Code. The second respondent/defacto complainant admitted that the statement was recorded by the first respondent only on 08.07.2018 and the first respondent saying different version in the FIR that the second respondent/defacto complainant's statement was recorded by the first respondent only on 09.07.2018. Hence, the first respondent registered the FIR on 10.07.2018. It is total contradiction and it seems that it is a false complaint and it is put up case by the first

respondent as against the petitioner. The second respondent/defacto complainant made a false complaint against the petitioner to tarnish the petitioner's image and reputation, who is practising Advocate. Hence, he prayed for quashing of the FIR No.155 of 2018 dated 10.07.2018 on the file of the first respondent police.

3. The learned Government Advocate (Crl. Side) would submit that the investigation is almost completed and the respondent police have to file final report.

4. Heard Mr.L.Muthusamy, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl. Side) 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 2018, the first respondent is directed to complete the investigation in F.I.R.No.155 of 2018 and file a final report, within a period of three months from the date of receipt of a copy of this Order.

7. With the above directions, this Criminal Original petition stands disposed of.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

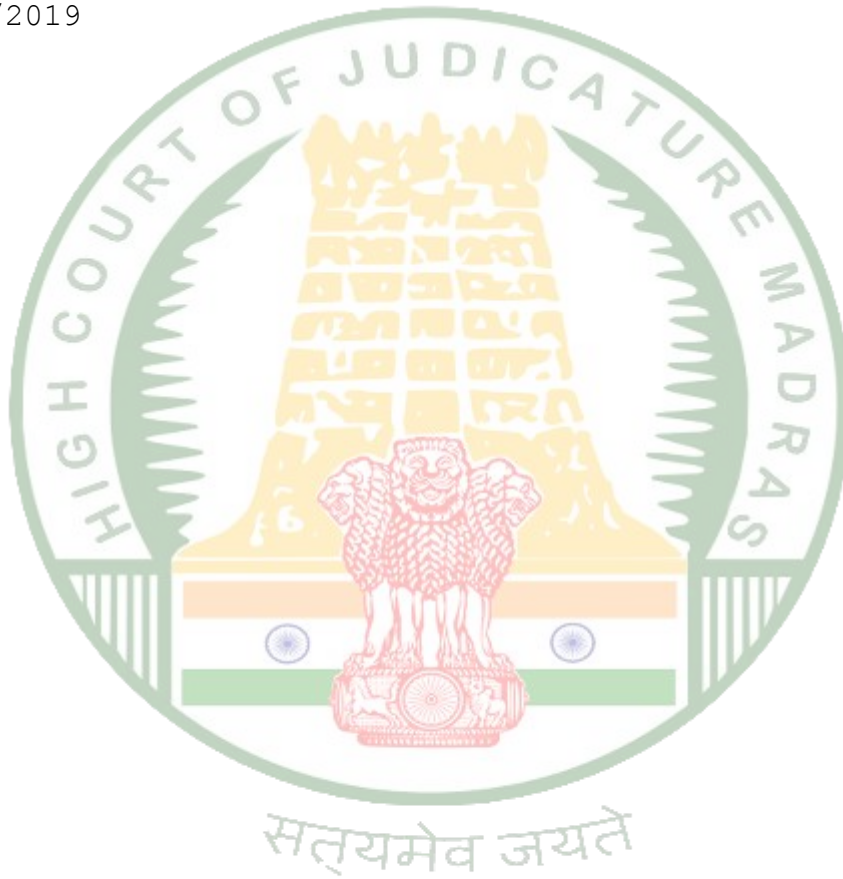
1.The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.155/2018)

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.L.Muthusamy, Advocate Sr.20633

Cr1.O.P.No.4962 of 2019

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