

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5764 of 2019

E.Lakshmanan ... Petitioner/Accused

Vs.

1.The Inspector of Police,
Kalambur Police Station,
Kalambur, Polur Taluk,
Thiruvannamalai District.
Pincode - 606 903. ... Respondent/Complainant

2.N.Muthulingam ... Respondent/Defacto
complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.344 of 2017 dated 06.07.2017 on the file of the 1st Respondent/Complainant.

For Petitioner : Mr.Parigopal

For R1 : Mr.C.Raghavan,
Government Advocate [Crl.Side]

O R D E R

The prayer sought for in the Criminal Original Petition is to call for the records and quash the FIR in Crime No.344 of 2017 dated 06.07.2017 on the file of the 1st Respondent/Complainant.

2.The learned Counsel appearing for the petitioner would submit that the petitioner was arrayed as an accused in Crime No.344 of 2017 dated 06.07.2017 on the file of the first respondent/complainant for the alleged offences under Sections 341, 385, 294(b), 352, 506(ii) of the Indian Penal Code, due to the false complaint lodged by the second respondent/defacto complainant were intentionally to retaliate the petitioner to resolve the enmity. It was absolutely pre-motive of the second respondent/defacto complainant by way of lodging a false complaint as against the petitioner to put him behind the Bar,

in which the first respondent were acted upon the direction of the second respondent for monetary benefits. Hence, he prayed for quashing the FIR in Crime No.344 of 2017 on the file of the first respondent.

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

4.Heard Mr.Parigopal, learned counsel appearing for the petitioners and Mr.C.Raghavan, learned Government Advocate appearing for the first respondents.

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 2017, the first respondent is directed to complete the investigation in Crime No.344 of 2017 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.Accordingly, this Criminal Original Petition stands dismissed with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Kalambur Police Station,
Kalambur, Polur Taluk,
Thiruvannamalai District.
Pincode - 606 903.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5764 of 2019

rgn[co]
srg 23/05/2019