

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5649 of 2019
and
Crl.M.P.No.3217 of 2019

S.Dharmichand ... Petitioner/Accused

Vs.

1. State rep. by
Inspector of Police,
Guduvancherry Police Station,
Chennai. ... 1st Respondent/Complainant

2.Johnny Rani ... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.332 of 2018 pending on the file of Guduvancherry Police Station, Kancheepuram District filed by the 1st respondent against the petitioner and quash the same.

For Petitioner : Mr.G.A.Girija Venkataraman
For Respondent 1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The prayer sought for in this petition is to quash the F.I.R. in Crime No. 332 of 2018 on the file of first respondent police.

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.332 of 2018 for the offences under Section 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.G.A.Girija Venkataraman, 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 does not find any merits in this petition and 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 Crime No.332 of 2018 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Guduvancherry Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.G.A.Girija Venkataramanan, Advocate, Sr.No. 20747

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SV(CO)
CSL/23.04.2019