

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6291 of 2019
and
Crl.M.P.No.3490 of 2019

Elumalai

...Petitioner

Vs.

State by

1.The Inspector of Police
Thiruvannamalai East Police Station
Thiruvannamalai District
(Crime No.228 of 2017)

2.Vijayaraj

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records concerned in Cr.No.228 of 2017 on the file of Inspector of Police, Thiruvannamalai East Police Station, Thiruvannamalai District and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.C.Prakasam

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

ORDER

This Criminal Original Petition has been filed by the petitioner to Call for the entire records concerned in Crime No.228 of 2017 on the file of Inspector of Police, Thiruvannamalai East Police Station, Thiruvannamalai District and quash the same in so far as the petitioner is concerned.

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 1st respondent police registered a case in Crime No.228 of 2017 for the offences under Sections 286, 337 of IPC r/w 3(a) 5(a) 6 of Explosive Substances Act 1908 r/w 9(B) (1)(b) Explosive Act 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.C.Prakasam, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 1st 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 2017, the 1st respondent is directed to complete the investigation in Crime No.228 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.With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

kas
To

1.The Inspector of Police, Thriuvannamalai East Police Station
Thiruvannamalai District
(Crime No.228 of 2017)

2.The Public Prosecutor, High Court of Madras

+lcc to Mr.C.Prakasam, Advocate SR.No.23261

Crl.O.P.No.6291 of 2019
and
Crl.M.P.No.3490 of 2019

KK (CO)
GMY (12/04/2019)