

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5870 of 2019
and Crl.M.P.No.3270 of 2019

K.Baskaran

... Petitioner/2nd Accused

Vs

The State rep by
The Inspector of Police,
PEW-Thiruchengodu,
Namakkal District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the Impugned FIR in Crime NO.161 of 2018 on the file of the respondent police, and Quash the same in respect of this petitioner concerned.

For Petitioner : Mr.P.Vimal Raj

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

ORDER

This Criminal Original Petition has been filed seeking a direction to call for the records relating to the Impugned FIR in Crime NO.161 of 2018 on the file of the respondent police, and Quash the same in respect of this petitioner 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 respondent police registered a case in Crime No.161 of 2018 for the offences under Sections 4 (1) (aaa), 4(1) (h), 4(1) (i), r/w 4(1-A) of the Tamil Nadu Prohibition Act, 1937 and subsequently altered into Sections 4 (1) (aaa), 4(1) (h), 4(1) (i) of the Tamil Nadu Prohibition Act, 1937, 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.P.Vimal Raj, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 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 respondent is directed to complete the investigation in Crime No.161 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 is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pds/lok
To

1.The Inspector of Police,
PEW-Thiruchengodu,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

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mr[co]
srg 9/5/2019