

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.03.2019

CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6265 of 2019

K.Vijayakumari

... Petitioner/Accused

Vs.

1.P.Rajesh Kumar

... 1st Respondent/Defacto Complainant

2.State rep. by
The Inspector of Police
Elephant Gate Police Station
Chennai

... 2nd Respondent/Complainant

PRAYER:Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records pertaining to the case in Cr.No.828/2018 on the file of the 2nd respondent police and quash the same.

For Petitioner : Mr.S.Mahendran

For Respondent-2: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The prayer sought for in the Criminal Original Petition is to quash the F.I.R. in Crime No.828 of 2018 and further direct the 2nd respondent to take appropriate action criminal/departmental as against the 1st respondent.

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 2nd respondent police registered a case in Crime No.828 of 2018 for the offences under Sections 294(b), 448, 506(2) 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.S.Mahendran, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 2nd 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 2nd respondent is directed to complete the investigation in Crime No.828 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsn/kas

To

1.The Inspector of Police
Elephant Gate Police Station
Chennai

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Mahendran, Advocate, S.R.No.22354

Cr1.O.P.No.6265 of 2019

SV(CO)

RRS (25/04/2019)

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