

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5753 of 2019
and
Crl.M.P.No.3246 of 2019

1.T.Sivakumaran

2.S.Chithra

3.S.Gowsalya Petitioners/Accused Nos.1 to 3

Vs.

1.The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Nallipalayam Police Station,
Namakkal District,
[Crime No.234 of 2018] Respondent/Complainant

2.S.Sakthivel Respondent/Defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.234 of 2018 on the file of the Inspector of Police, Nallipalayam Poice Station, Namakkal District and quash the same.

For Petitioner : Mr.J.Selvarajan

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 in Crime No.234 of 2018 on the file of the Inspector of Police, Nallipalayam Poice Station, Namakkal District and quash the same.

2.The learned Counsel appearing for the petitioners would submit that the complaint preferred by the second

respondent/complainant is absolutely false, imaginary and frivolous and against the truth and in order to avoid civil consequences the second respondent herein preferred the complaint without any valid legal basis and the first respondent without even verifying the nature of the complaint simply registered the same for other vested reasons for the offences under Sections 294 (b), 323, 506 (i) and 420 of the Indian Penal Code, as against the petitioners. Hence, he prayed to quash the same.

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.J.Selvarajan, 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 2018, the first respondent is directed to complete the investigation in Crime No.234 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.Accordingly, this Criminal Original Petition stands dismissed with the above directions. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

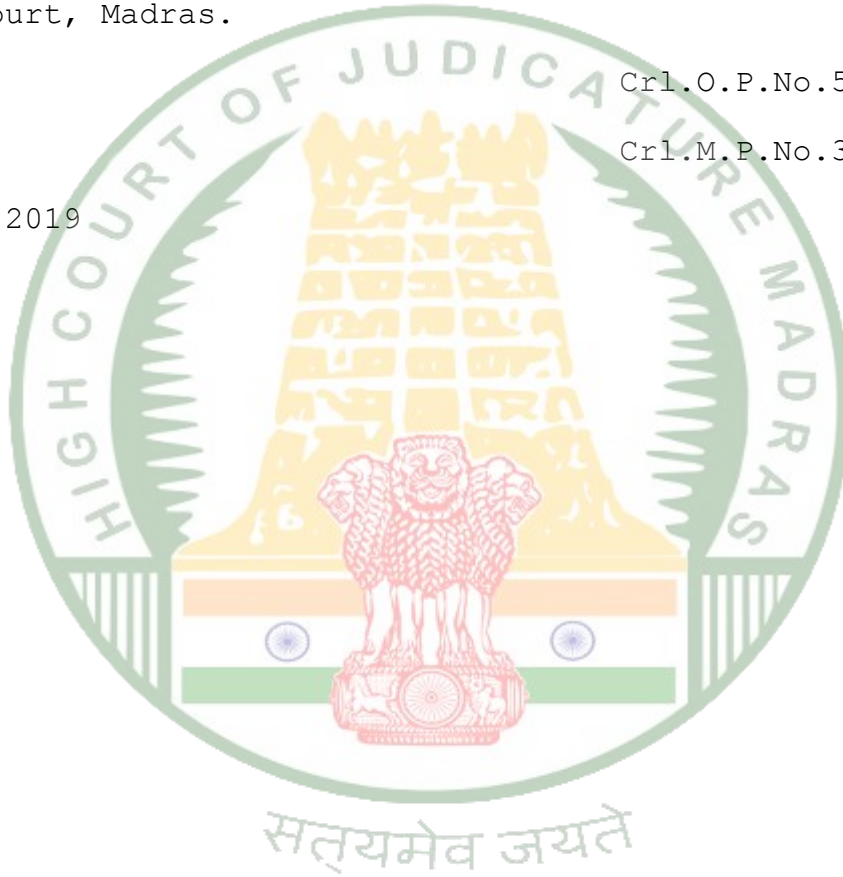
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To

- 1.The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
- 2.The Sub Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.5753 of 2019
and
CrI.M.P.No.3246 of 2019

VGII(CO)
CSL/26.04.2019



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