

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6377 of 2019
and
Crl.M.P.No.3530 of 2019

Muniyan

...Petitioner

Vs.

1.State Rep. by
The Inspector of Police
Ananthapuram Police Station
Villupuram District

2.Santha

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the FIR No.226/2018 dated 06.06.2018 pending investigation on the file of the 1st respondent police.

For Petitioner : Mr.K.Sasindran

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

ORDER

This Criminal Original Petition has been filed by the petitioner to to call for the records and quash the FIR No.226/2018 dated 06.06.2018 pending investigation on the file of the 1st 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 1st respondent police registered a case in Crime No.226 of 2018 for the offences under Sections 304(2) of IPC, 1860 and Section 135(1)(e) of the Electricity Act, 2003, 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.K.Sasindran, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 1st respondents.

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 1st respondent is directed to complete the investigation in Crime No.226 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 petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police Ananthapuram Police Station
Villupuram District

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.Sasindran, Advocate SR.No.22775

Crl.O.P.No.6377 of 2019
and
Crl.M.P.No.3530 of 2019

MG (CO)
GMY (10/04/2019)