

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6212 of 2019
and
Crl.M.P.No.3439 of 2019

M.Prakash ... Petitioner/Accused No.1

Vs.

- 1.State rep.by
The Sub-Inspector of Police,
CCB, Commissioner of Police Office,
Vepery, Chennai.
(Crime No.31 of 2019) ... 1st Respondent/Complainant
- 2.N.Sathyamoorthy ... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records comprised in Crime No.31 of 2019 on the file of the Sub Inspector of Police, CCB, Commissioner of Police Office, Vepery and quash the same.

For Petitioner : Mr.C.Sangamithairai

For Respondents: Mr.M.Mohamed Riyaz,
C.Raghavan Government Advocate

सत्यमेव जयते

O R D E R

The prayer sought for in the present criminal original petition is to quash the F.I.R. in Crime No.31 of 2019 on the file of the Sub Inspector of Police, CCB, Commissioner of Police Office, Vepery.

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.31 of 2019 for the offence under Section 420 of 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.C.Sangamithairai, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate 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, the first respondent is directed to complete the investigation in Crime No.31 of 2019 and file a final report within a period of four 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-I)

//True Copy//

Sub Assistant Registrar

AT

To

1.The Sub-Inspector of Police,
CCB, Commissioner of Police Office,
Vepery, Chennai.

2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.6212 of 2019
and CrI.M.P.No.3439 of 2019

SSD(CO)
GN(05/04/2019)