

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6349 of 2019

and

Crl.M.P.No.3508 of 2019

Praveen Kumar

...Petitioner

Vs.

1.The State Rep. by
Inspector of Police (Crime)
Selaiyur Police Station
Chennai
(Crime No.1195 of 2018)

2.Alphonse

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings in Crime No.1195 of 2018, pending on the file of the 1st respondent.

For Petitioner : Mr.S.Sugendran

For RR1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

The prayer sought for in the present Criminal Original Petition is to call for the records and quash the proceedings in Crime No.1195 of 2018, pending on the file of 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 first respondent police registered a case in Crime No.1195 of 2018 for the offences under Sections 174(3) CRPC thereafter it was altered to 306 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.Sugendran, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 1st 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 encyclopaedia 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 into 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.1195 of 2018 and file a final report within a period of three months from the date of receipt of a copy of this order, before the jurisdiction Magistrate, if not already filed.

7.With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSviii)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police (Crime)
Selaiyur Police Station
Chennai
(Crime No.1195 of 2018)

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sugendran , Advocate SR.No. 22136

Cr1.O.P.No.6349 of 2019
and

Cr1.M.P.No.3508 of 2019

A.SK(21/05/2019)