

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.6611 of 2019
and
CrI.M.P.No.3644 of 2019

Madhan

... Petitioner

/Vs/

1. State rep by,
The Inspector of Police,
Ponneri Police Station,
Thiruvallur District.
Crime No.578 of 2016

2. Suresh ... Respondents

PRAYER: Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records and to quash the F.I.R in Crime No.578 of 2016 pending on the file of Ponneri Police Station, Thiruvallur District.

For Petitioner : Mr.Krishnasamy Chinnasamy

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The prayer sought for in the present petition is to quash the F.I.R. in Crime No.578 of 2016 and further direct the first respondent to take appropriate action criminal/departmental as against the second respondent.

2. The learned Counsel appearing for the petitioner would submit that the petition 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.578 of 2016 for the offences under Sections under Sections 279, 337, 147, 148, 294(b), 323, 324 and 506(ii) of IPC, as against the petitioner. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor appearing for the first respondent would submit that the investigation is almost completed and the respondent police have only to file final report.

4. Heard Mr.Krishnasamy Chinnasamy, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first 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 2016, the first respondent is directed to complete the investigation in Crime No.578 of 2016 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 petition is closed.

Sd/--

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1. The Inspector of Police,
Ponneri Police Station,
Thiruvallur District.

2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.Krishnasamy Chinnasamy , Advocate SR.No. 23836

Cr1.O.P.No.6611 of 2019
and Cr1.M.P.No.3644 of 2019

A.SK(12/04/2019)