

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6707 of 2019

and

Crl.M.P.No.3710 of 2019

1.A.Sekar @ Rajasekaran

2.Uthaiyakumar @ Thiru

... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police
E-1, Panruti Police Station
Cuddalore District
(Crime No.74 of 2019)

2.R.Sathiyamoorthy

... Respondents

PRAYER:Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to the Crime No.74 of 2019 on the file of the E-1, Panruti Police Station, Cuddalore District and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.M.Guruprasad

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

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed by the petitioner to call for the records relating to the Crime No.74 of 2019 on the file of the E-1, Panruti Police Station, Cuddalore District and quash the same by allowing this Criminal Original Petition.

2. The learned Counsel appearing for the petitioner would submit that the 1st petitioner entered into an oral lease agreement with defacto complainant to run and maintain the Cinema theatre namely "Sri Ranga" (then Shanthi Ram Theatre) commencing from 2012 for a period of 10 years vide agreement dated 18.05.2012 for a monthly maintenance rent of Rs.60,000/-

per month for the first 5 years and increase of 10% rent for another 5 years. The 1st petitioner invested lakhs and lakhs of rupees to maintain the theatre in order to attract its viewer from time to time and added very good reputation to the said theatre with his 17 years of hard work and created good will in the locality. On seeing all these development and reputation, the owner of the theatre / defacto complainant entered into the premises along with henchmen and illegally thrown the petitioners from the premises. It was agreed by the informant that he will pay the balance dues to the distributor. Hence the 1st petitioner preferred a report before the inspector of police, Neyveli Police Station on 02.02.2017. During the pendency of such representation, the 1st respondent herein called the 1st petitioner for enquiry and started to harass the 1st petitioner to settle the dispute between them. The petitioner filed a petition in CrI.O.P.No.1497 of 2019, this court vide order dated 22.01.2019 disposed of the said application to approach the Civil Court. Thereafter, the 1st respondent colluded with the informant and registered the impugned F.I.R. in Crime No.74 of 2019 as if the complaint was received on 12.12.2019. The act of the Inspector of Police, is contumacious. Accordingly, prays for quashing of the F.I.R in Crime No.74 of 2019.

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

4.Heard Mr.M.Guruprasa, learned counsel appearing for the petitioners 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 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 into investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6.In the light of the above, this Court is not inclined to quash the FIR. However, considering the facts and circumstances of the case, the 1st respondent is hereby directed to conduct enquiry and complete the investigation in Crime No.74 of 2019 and file a final report within a period of three months from the date of receipt of copy of this Order, before the jurisdictional 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

//True Copy//

To Sub Assistant Registrar

1.The Inspector of Police
E-1, Panruti Police Station
Cuddalore District
(Crime No.74 of 2019)

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Parthiban, Advocate sr.no.23566

Crl.O.P.No.6707 of 2019
and
Crl.M.P.No.3710 of 2019

nr 05/04/2019



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