

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.36094 of 2015
and
M.P.Nos.1 to 3 of 2015

Sivadas @ Kovan

... Petitioner

Vs.

1. The Government Of Tamil Nadu,
Rep. by its Secretary,
Department of Home Affairs,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Tamil Nadu Police Head Quarters,
Dr. Radhakrishnan Salai,
Chennai - 600 004.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
4. The Inspector Of Police,
Chennai Crime Branch,
(Cyber Crime Wing),
Vepery, Chennai - 600 007.
5. Melwin Raja Singh
Inspector of Police,
Chennai Crime Branch,
(Cyber Crime Wing)
Vepery, Chennai - 600 007.
6. Nathiya
Sub Inspector of Police,
O/o. Chennai Crime Branch,
(Cyber Crime Wing)
Vepery, Chennai - 600 007.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the concerned records from the fourth respondent connected with the F.I.R. in Crime No. 439 of 2015 and quash the same and further direct the third respondent to take appropriate action criminal/departmental against the respondents 5 & 6.

For Petitioner : Mr.S.Jimraj Milton
For Respondents

For R1 to R4: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The prayer sought for in the present writ petition is to quash the F.I.R. in Crime No.439 of 2015 and further direct the third respondent to take appropriate action criminal/departmental as against the respondents 5 & 6.

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 third respondent police registered a case in Crime No.439 of 2015 for the offences under Section 124A, 153, 505(1) (b)(c) 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.S.Jimraj Milton, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1 to 4.

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 2015, the fourth respondent is directed to complete the investigation in Crime No.439 of 2015 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 writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

rts
To

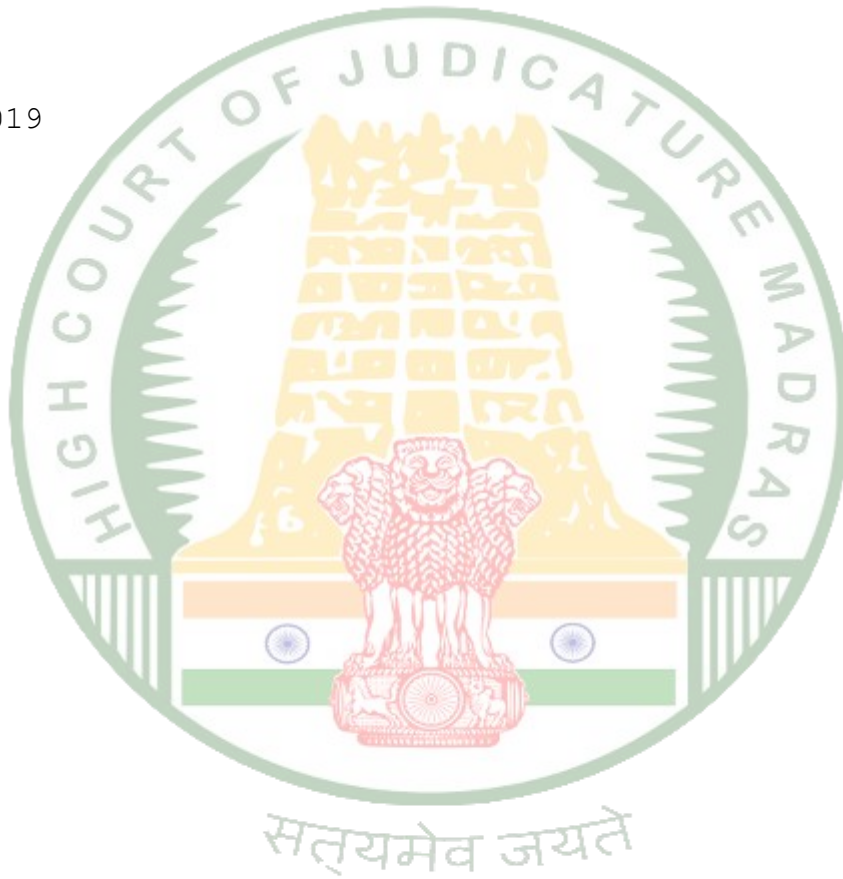
1. The Secretary,
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Vepery, Chennai - 600 007.

6. The Sub Inspector of Police,
O/o. Chennai Crime Branch,
(Cyber Crime Wing)
Vepery, Chennai - 600 007.

7. The Public Prosecutor,
High Court, Madras.

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