

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM:

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

CrI.O.P.No.6985 of 2019
and CrI.M.P.No.3855 of 2019

Anitha
S/o.Vijayakumar

...Petitioner

Vs.

1.The State-represented by
The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai District.
(Crime No.681 of 2018)

2.Naliniraj

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to Crime No.681 of 2018 on the file of the Thirumullaivoyal Police Station, Chennai and to quash the same.

For Petitioner
For R1

: Mr.C.Prabakaran
: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in C.C.No.681 of 2018, on the file of the 1st respondent police.

2.The petitioner was arrayed as A3 in Crime No.681 of 2018 for the offences punishable under Sections 294(b), 323 and 448 IPC on the basis

of the complaint given by the 2nd respondent herein.

3.The crux of the complaint is that there is previous enmity between the defacto complaint and the petitioner's family with regard to property dispute. While so, on 08.06.2018, the petitioner along with her father and mother abused and assaulted the 2nd respondent. Hence, the 2nd respondent lodged a complaint before the 1st respondent police and an F.I.R came to be registered in Crime No.681 of 2018. The mother of the petitioner has filed a suit in O.S.No.518 of 2013 before the District Munsif Court, Ambattur, seeking permanent injunction as against the 2nd respondent and the said suit is pending.

4. The learned counsel for the petitioner submitted that as a counter blast to the complaint lodged by the petitioner only the 2nd respondent has filed the present complaint. He further submitted that the respondent police without proper investigation registered an F.I.R., in Crime No.681 of 2018. Hence, he prays to quash the investigation in Crime No.681 of 2018.

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 agency 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 of the FIR as 2018, the first respondent is directed to complete the investigation and file a final report within a period of two weeks from the date of receipt of a copy of this Order.

7. This Criminal Original Petition is disposed of accordingly. Consequently, the connected Miscellaneous petition is closed.

15.03.2019

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
rm

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G.K.ILANTHIRAIYAN,J.,

rm

To

1.The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai District.
(Crime No.681 of 2018)

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6985 of 2019
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