

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7719 of 2019
and Crl.M.P.No.4222 of 2019

K.Nandakumar

... Petitioner

Vs.

1. The Inspector of Police,
Central Crime Branch
Egmore,
Crime No.258 of 2008

2. Ananthapadmanabha Das

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.258 of 2008 on the file of the Inspector of Police, CCB Egmore, Chennai i.e., the First respondent herein and quash the First Information Report filed in the above case.

For Petitioner : Mr.D.Manimaran

For Respondents

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

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.258 of 2008 registered by the first respondent police for offences under Sections 420, 465, 467, 468 r/w 471 of IPC, as against the petitioner.

2. The learned counsel for the petitioner submitted that, according to the petitioner, the property in Survey No.196/1A1, 194/1 and 196/2 with Plot Nos. 37,38,39,40,41 and 42 with a total extent of 9936 Sq.ft., along with Door No.4/24 1A, with EB connection situated at First street, Kokilammal Nagar, Thuraipakkam Village, Okkiam, Chennai-600 096, was originally belongs to one Mr.P.N.Rajendranath through his power agents as well as the principal Mr.Thiyagarajan. The said Mr.P.N.Rajendranath had executed a settlement deed on

16.12.2004, in favour of his mother Mrs.Chellammal and Mrs.Chellammal has executed another settlement deed on 10.01.2005 in her daughter Mrs. P.N.Sudha's favour who is the wife of defacto complainant. Subsequently, all the mutation of records were changed in her name and was paying taxes in her name accordingly. After that they have constructed compound wall and gave to tenant for occupation. While so, one Mr.Ramadas, trespassed into the said property by way of a settlement deed. Hence, this Criminal complaint was lodged by the respondent and the same was registered on 05.05.2008, vide in crime No.258 of 2008 on the file of Central Crime Branch, Egmore. Under such Circumstances, the petitioner filed the present petition with the aforesaid prayer.

3. Heard Mr.D.Manimaran, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent.

4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police were yet to file a final report.

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 2008, the first respondent is directed to complete the investigation in Crime No. 258 of 2008 and file a final report within a period of four weeks 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.
rri

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

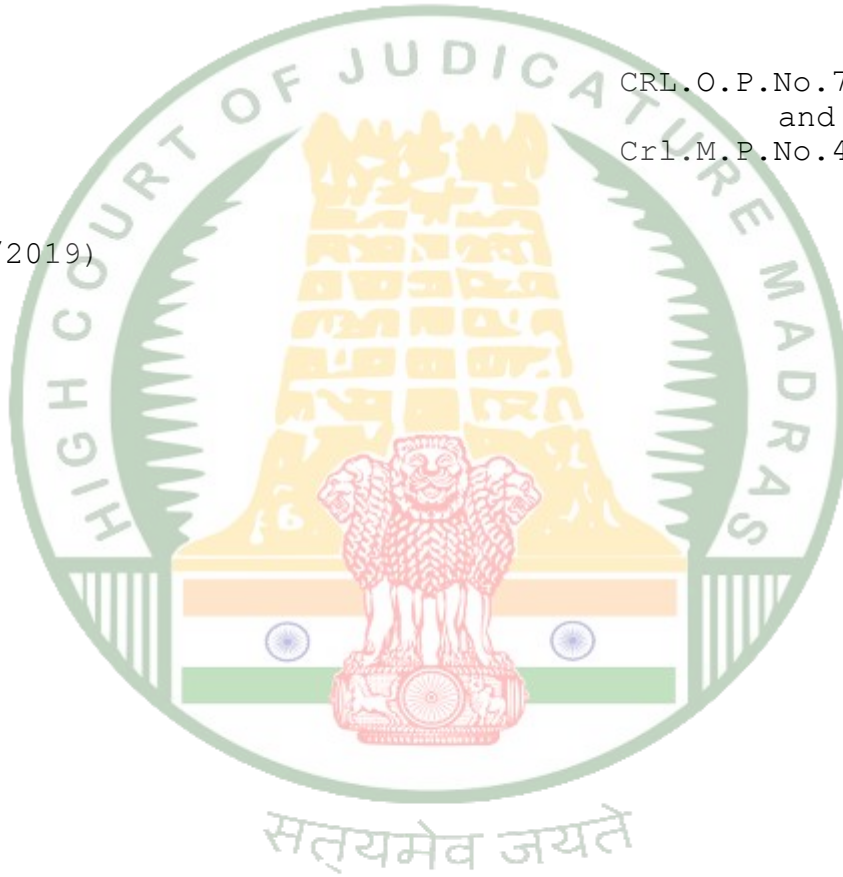
1. The Inspector of Police,
Central Crime Branch
Egmore,

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.D.Manimaran, Advocate, SR.No.38374

CRL.O.P.No.7719 of 2019
and
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CP(CO)
Kak(08/07/2019)



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