

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

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

CRL.OP.No.9145 of 2014
and M.P.No.1 of 2014

1.Mr.N.Govindharajan
2.Mr.N.Srinivasan
3.Mr.S.Vinod
4.Mr.D.Kuppuswamy
5.Mr.K.Sakthivel
6.Mr.M.Rajendra Kumar

... Petitioners /
Accused (A1 to A6)
Vs.

1. The State represented by
The Inspector of Police (Crimes),
Tharamani Police Station,
Tharamani, Chennai.

2. The Inspector of Police (EDF -I)
Entrusted Documents Fraud Prevention cell,
Central Crime Branch,
Chennai City Police Commissionerate,
Poonamallee High Court,
Vepery, Chennai.

...1 & 2 Respondents /
Complainant

3.C.Elumalai

...3rd Respondent /
Defacto-Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and to quash the FIR and consequent investigation carried on in Crime No.1281/2013 pending on the file of the 2nd Respondent.

For Petitioners : Mr.S.Siva Sangarane
For Respondents : Mr.M.Mohamed Riyaz for R1 & R2
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the FIR and consequent investigation carried on in Crime No.1281 of 2013, pending on the file of the second Respondent.

2.The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.1281 of 2013 for the offence under Sections 406, 420, 109, 34 IPC, as against the petitioners. 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.Siva Sangarane, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first and second respondent and perused the materials available on record.

5.It is seen from the First Information Report that there is a specific allegation as against the petitioners, 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 2013, the petitioners are directed to submit the relevant documents before the first respondent and on receipt of the same, the first respondent is directed to complete the investigation in Crime No.1281 of 2013 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, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Inspector of Police (Crimes),
Tharamani Police Station,
Tharamani, Chennai.
 2. The Inspector of Police (EDF -I)
Entrusted Documents Fraud Prevention cell,
Central Crime Branch,
Chennai City Police Commissionerate,
Poonamallee High Court,
Vepery, Chennai.
 3. The Public Prosecutor,
High Court, Chennai -104.
- +1 cc to Mr.G.Prabhakaran, Advocate, S.R.No.32566

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and M.P.No.1 of 2014

EV(CO)
SSM(04/06/2019).



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