

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13721 of 2014
and
Crl.M.P.No.1 of 2014

A.V.S.Sarma

... Petitioner

Vs.

1.The State

Rep. by the Inspector of Police,
S-2, Chitlapakkam Police Station,
Chennai - 600 064.
(Crime No.52 of 2014)

2.P.Lakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in FIR in Crime No.52 of 2014, pending investigation, on the file of the first respondent herein, and to Quash the same in so far as the petitioner is concerned by allowing the above Crl.O.P.,

For Petitioner : Mr.P.Elayaraj Kumar
for M/s.Ramalingam and Associates

For RR1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For RR2 : Mr.A.Palaniappan

ORDER

This petition has been filed to call for the records in FIR in Crime No.52 of 2014, pending investigation, on the file of the first respondent herein, and to Quash the same in so far as the petitioner is concerned by allowing the above Crl.O.P.

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 first respondent police registered a case in Crime No.52 of 2014 for the offences under Sections 409 and 420 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.P.Elayaraj Kumar, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first 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 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 2014, the first respondent is directed to complete the investigation in Crime No.52 of 2014 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 criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.
pds/lok

Sd/-

Assistant Registrar (AS)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
S-2, Chitlapakkam Police Station,
Chennai - 600 064.

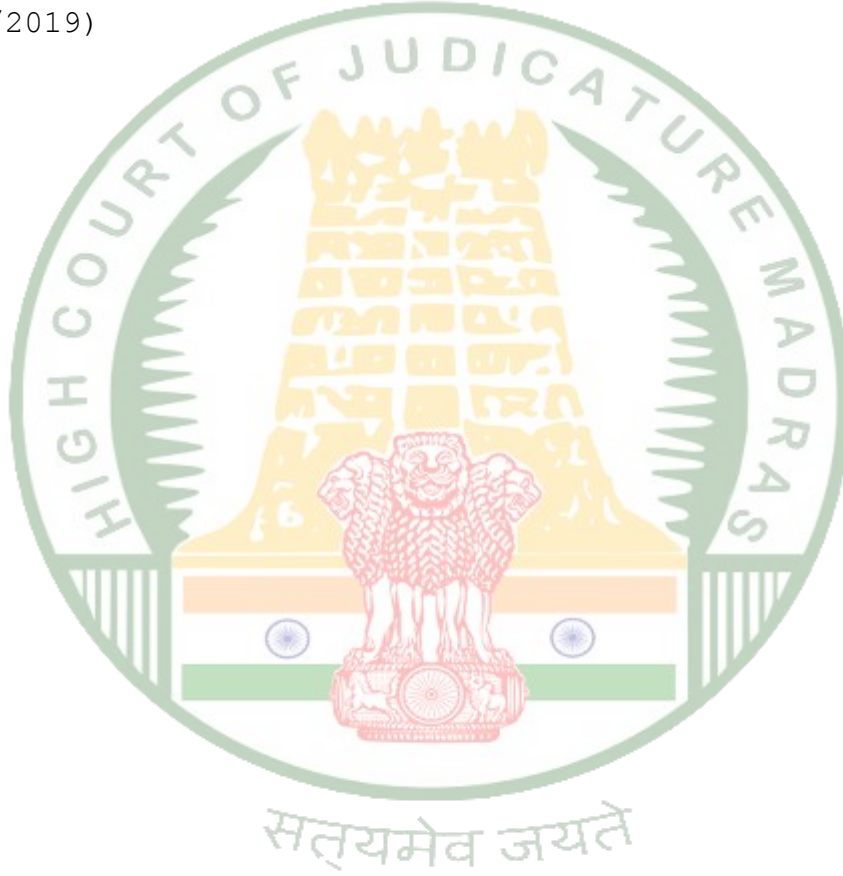
2.The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Palaniappan, Advocate, S.R.No.16334

+2CCs to Mr.Ramalingam & Associates, Advocates, S.R.No.16285

Crl.O.P.No.13721 of 2014
and Crl.M.P.No.1 of 2014

Arj (CO)
Kak (29/03/2019)



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