

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.17682 of 2014

and

M.P. No. 1 of 2014

1.R.Babu Chitra @ Chitra

2.R.Gandhimathi

... Petitioners

Vs.

1.The Inspector of Police

Pallappatti Police Station

Salem City.

2.P.Babu Saroja

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in respect of the FIR registered by the first respondent in Crime No.726 of 2013 and quash the same.

For Petitioners: Mr.R.Nalliyappan

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

For RR2 : Mr.S.Nagarajan

ORDER

This Criminal Original Petition has been filed seeking a direction to call for the records in respect of the FIR registered by the first respondent in Crime No.726 of 2013.

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.726 of 2013 for the offences under Sections 380(NH), 468, 471, 420, 506(ii) and 114 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.R.Nalliyappan, learned counsel appearing for the petitioners 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 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 first respondent is directed to complete the investigation in Crime No.726 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, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pds/lok

To

1.The Inspector of Police
Pallappatti Police Station
Salem City.

2.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.R.Nalliyappan, Advocate sr.19016

CrI.O.P.No.17682 of 2014

01/07/2019



WEB COPY