

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 19726 of 2014
and M.P.No. 1 of 2014

Kali

...Petitioner

Vs.

1. The State rep by,
The Inspector of Police,
Thiruppathur Taluk Police Station,
Vellore District.
(Crime No.63 of 2014)

2. Nathan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Crime No.63 of 2014 on the file of the first respondent police, Thirupatthur Taluk Police Station, Vellore District.

For Petitioner : Mr.S.Muthukrishnan

For Respondents

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

ORDER

This Criminal Original Petition has been filed to quash the F.I.R in Crime No.79 of 2017 on the file of the first respondent police.

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 third respondent police registered a case in Crime No.63 of 2014 for the offences under Sections 9(B)(1)(b) of Indian Explosive Act and Section 308 and 304 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.S.Muthukrishnan, 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 the offence is against the society and 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.63 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. Consequently, connected miscellaneous petition is closed.

rts

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Thiruppathur Taluk Police Station,
Vellore District.

2. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.M.Muthusamy, Advocate, SR.No. 19870

Cr1.O.P.No. 19726 of 2014
and
M.P.No. 1 of 2014

Kak(01/04/2019)