

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10122 of 2017

and

CrI.M.P.No.6734 of 2017

1.P.Jayapal

2.Pattan

3.Thirupathi

4.Lakshmanan

5.Ramasamy

....Petitioners

Vs.

1.State Rep. by
The Inspector of Police
Thammampatty Police Station
Thammampatty, Salem District

2.Palaniappan S.

.... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in connection with the case in Crime No.90of 2017 now pending on the file of the 1st respondent herein and to quash the same.

For Petitioners : Ms.R.T.Sundari

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1
Mr.D.Sathyaraj for R2

ORDER

This Criminal Original Petition has been filed by the petitioners to call for the records in connection with the case in Crime No.90of 2017 now pending on the file of the 1st respondent herein and to quash the same.

2.The learned Counsel appearing for the petitioners would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the 1st respondent police registered a case in Crime No.90 of 2017 for the offences under Sections 120B, 415, 416, 417, 420, 468, 472, 191, 191, 192, 199 & 209 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 Ms.R.T.Sundari, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 1st respondent and Mr.D.Sathyaraj, appearing for the 2nd 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 facts and circumstance of the case, the petitioners are directed to submit all the relevant documents before the 1st respondent. The 1st respondent on receipt of the same, is hereby directed to conduct enquiry and complete the investigation in Crime No.90 of 2017 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.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
Thammampatty Police Station
Thammampatty, Salem District

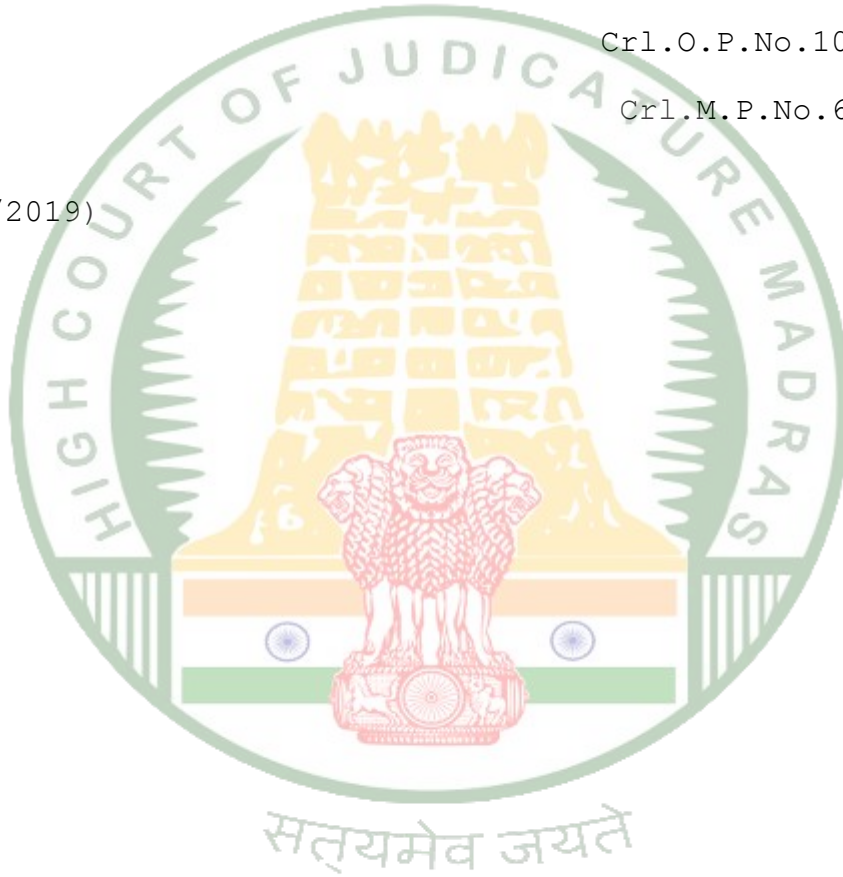
2.The Public Prosecutor
High Court, Madras

+1cc to Mr.D.Sathyaraj, Advocate, S.R.No.31514

Crl.O.P.No.10122 of 2017
and
Crl.M.P.No.6734 of 2017

CP (CO)

RRS (09/05/2019)



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