

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.856 of 2017
and CRL.M.P.No.641 of 2017

1.Mr.Venkatalakshman

2.Mrs.Aruljothi ... Petitioners/ Accused No 1&2

Vs.

The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for F.I.R. in Crime No.436 of 2016 on the file of the Karimangalam Police Station, Dharmapuri District, the respondent herein and quash the F.I.R. in so far as it relates to the petitioners.

For Petitioners : Mr.J.Jayendrakrishnan

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.436 of 2016, on the file of the Karimangalam Police Station, Dharmapuri District.

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.436 of 2009 for the offences under Sections 7, 8, 9 & 24 (1) of the Cigarettes & Other Tobacco Products (Prohibition of Advertisement and Regularization of Trade and Commerce, Production, Supply and Distribution) Amendment Act 2014 and Sections 336, 353 and 506 (ii) IPC, as against the petitioners. Hence, he prayed to quash the same.

3.The learned Government Advocate (Criminal Side) would submit that the investigation is almost completed and the respondent police have only to file final report.

4.Heard, Mr.J.Jayendrakrishnan, learned counsel appearing for the petitioners and Mr.C.Raghavan, learned Government Advocate (Criminal Side) appearing for the respondent.

5.It is seen from the First Information Report that there is a specific allegations 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 2016, the respondent is directed to complete the investigation in Crime No.436 of 2016 and file a final report within a period of three months from the date of receipt of a copy of this Order, before the jurisdiction Magistrate, if not already filed.

7.With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

pam
To

1.The Inspector of Police,
Karimangalam Police Station,Dharmapuri District.

2.The Government Advocate (Criminal Side),
High Court, Chennai - 104.

CRL.O.P.No. 856 of 2017
and CRL.M.P.No.641 of 2017

A.SK(21/06/2019)