

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.23243 of 2017
and Cr1.M.P.No.13536 of 2017

S.G.Ravichandran

...Petitioner

Vs.

1.The State

The Sub-Inspector of Police,
Central Crime Branch,
Salem City, Salem.
(Crime No.2 of 2017)

2.S.Thilagam

..Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in Crime No.2 of 2017 on the file of the Sub-Inspector of Police, Central Crime Branch, Salem City, Salem and quash the same.

For Petitioner : Mr.B.Kumarasamy

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

For R2 : Mr.S.Dakshinamoorthy

O R D E R

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.2 of 2017, on the file of the Sub-Inspector of Police, Central Crime Branch, Salem City, Salem.

2.The learned counsel for the petitioner submitted that the petitioner is doing real estate business under the name and style of Shri Royal City Business, Swarnapuri, Salem. According to the prosecution, the petitioner approached the 2nd respondent and her husband and requested the petitioner to invest money in the business to construct a building in a plot. Accordingly, the petitioner constructed the building in the plot by periodically receiving money from the 2nd respondent and her husband and completed the construction. Even thereafter the petitioner did not handed over either the property or the amount received by

him. When they repeatedly asked for return of the amount, the petitioner abused them and threatened with dire consequences and also sent a legal notice to the 2nd respondent and the entire averments in the notice was denied by the 2nd respondent. Hence, the 2nd respondent lodged a complaint against the petitioner before the 1st respondent police and a case was registered against the petitioner in Crime 2 of 2017 under Sections 294(b), 420 and 506(i) IPC. Now, the petitioner has filed the present petition stating that the allegations against him in the complaint are all false and he has sufficient documents to prove his innocence and seeks to quash the F.I.R.

3.The learned Additional Public Prosecutor submitted that investigation is still pending.

4.Heard Mr.S.Gunalan,learned counsel for the petitioner, learned Additional Public Prosecutor for the 1st respondent police and Mr.S.Dakshinamoorthy, learned counsel for the 2nd 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 encyclopaedia 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 agency 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, the petitioner is at liberty to submit all the documents before the 1st respondent/investigation officer. On receipt of the same, the first respondent is directed to conduct an enquiry and complete the investigation and to file a final report within a period of three months from the date of receipt of a copy of this Order.

7.This Criminal Original Petition is disposed of accordingly. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

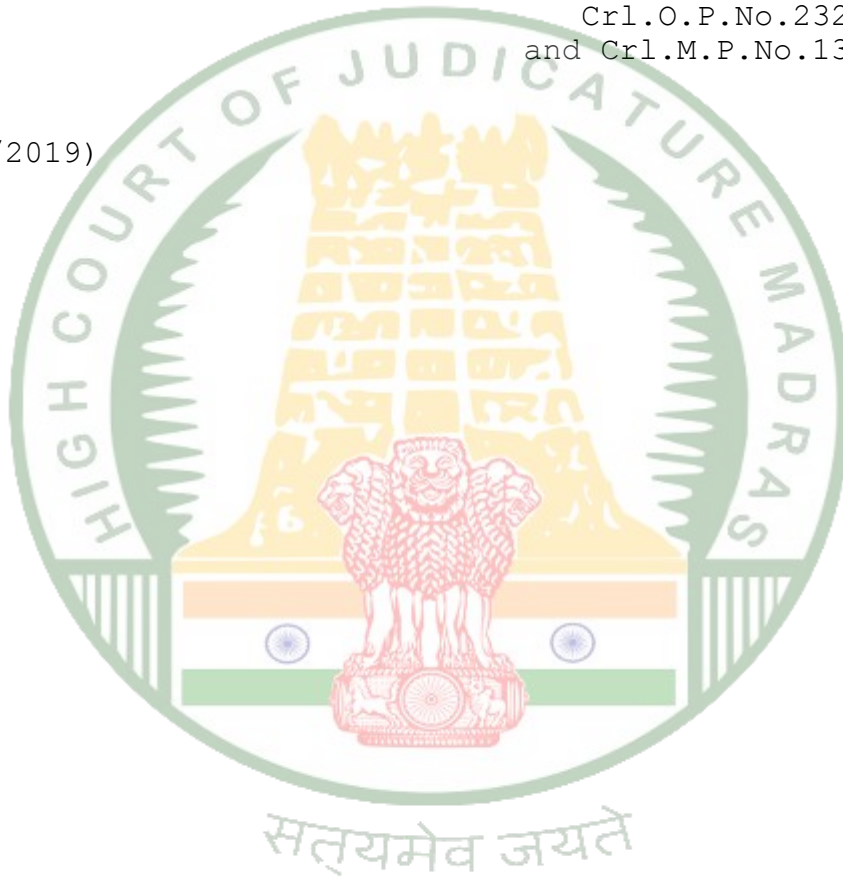
1.The Sub-Inspector of Police,
Central Crime Branch,
Salem City, Salem.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Gunalan, Advocate SR.No.34308

Crl.O.P.No.23243 of 2017
and Crl.M.P.No.13536 of 2017

LN(CO)
GMY(22/05/2019)



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