

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

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

Crl.O.P.No.22974 of 2018
and
Crl.M.P.No.12837 of 2018

Ramkumar

... Petitioner

Vs.

1.Inspector of Police,
Mailam Police Station,
Tindivanam.

2.Velmurugan

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in Crime No.296 of 2018 pending investigation on the file of the Inspector of Police, Mailam Police Station, Tindivanam, the 1st respondent herein and quash the same.

For Petitioner : Mr.A.Raghunathan
Senior Counsel for Mr.M.Rajavelu.

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

For R2 : Ms.L.Sasirekha.

सतयमेव जयते
O R D E R

This petition has been filed to quash the investigation in Crime No.296 of 2018, on the file of the 1st respondent police.

2.It is alleged that there was previous enmity between the petitioner and the defacto complainant's family with regard to a love marriage between one Ramu, who is working under the petitioner with the defacto complainant's brother's daughter viz., Revathi. While so, on 05.06.2018, on hearing that his mother has been attacked by the petitioner and has been admitted in the hospital, the defacto complainant went to see her. When the defacto complainant was standing before his brother's shop

along with his brother and his family members, an white colour Mahindra XUV car came in a rash and negligent manner and dashed against them, while othera escaped, the defacto complainant alone has got caught in the wheels of the cars and his left leg got broken. When he saw the car, he found that the said Ramkumar is driving the car. He was immediately admitted to the hospital and in the hospital, the respondent police received a complaint and F.I.R has been registered as against this petitioner in Crime No.296 of 2018.

3.The learned counsel for the petitioner would submit that the petitioner is suffering from 75% disability in his legs and his mobility is restricted. He cannot drive and does not possess any licence. He has also produced a disability certificate of the petitioner to that effect. Therefore, he prays to quash the investigation in Crime No.296 of 2018.

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

5.It is seen from the First Information Report that there is 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 produce all the documents before the investigation officer. On receipt of the certificates and other materials produced by the petitioners, the investigating officer,viz., the 1st respondent is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this Order.

7.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.
rm

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Mailam Police Station,
Tindivanam.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Rajavelu Advocate, SR.No.31558

+1cc to M/s.L.Sasirekha, Advocate, SR.No.30677

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Kak (29/04/2019)



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