

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 26792 of 2018

and

Crl.MP.No. 15442 of 2018

1. Perumal
2. Ezhilarasi

.. Petitioners

Vs.

1. State rep. by
The Inspector of Police,
District Crime Branch,
Kanchipuram District,
Kancheepuram.

- 2.K. Nehru

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No. 47 of 2008 of the District Crime Branch, Kanchipuram, pending before the learned Judicial Magistrate No.II, Chengalpattu and to quash the same.

For Petitioner : M/s.Dr.C. Krishnamurthy

For Respondents : Mr. M. Mohamed Riyaz,
Addl.Public Prosecutor - R1
Mr. Udayakumar - R2

सत्यमेव जयते
O R D E R

The prayer in the present petition is to call for the records in Crime No. 47 of 2008 of the District Crime Branch, Kanchipuram, pending before the learned Judicial Magistrate No.II, Chengalpattu and to quash the same.

2. Heard both sided and perused the documents available on record.

3. The learned counsel for the petitioners submitted that when the 2nd petitioner/ wife of the 1st petitioner tried to sell her property to one Jawaharlal, the 2nd respondent by using his political influence lodged a complainant against the

petitioners before the 1st respondent police on 19.09.2008 and registered the same in Crime No. 47 of 2008 on the same day.

4. The learned counsel for the petitioner further submitted that after registration of the FIR by the 1st respondent, the petitioners have approached the Civil Court in O.S. No. 383 of 2008, declaring that the plaintiff is the absolute rightful title holder and got decree in their favour by a judgment dated 02.12.2014. In view of the said judgment, they have applied for patta for their land and the same was also issued to them on 18.12.2017.

5. It is further submitted that to quash the said FIR in Crime No. 47 of 2008, the petitioner have earlier filed a petition before this Court in Crl.OP. No. 30965 of 2008 and obtained interim stay and to their shock, the said petition came to be dismissed for default on 30.10.2014. Hence they filed the present petition to quash the said FIR in Crime No. 47 of 22008.

6. 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 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.

7. In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the crime is of the year 2008, the 1st respondent/Inspector of Police, District Crime Branch, Kancheepuram District is directed to enquire and complete the investigation pending on his file in Crime No. 47 of 2008 and file a final report within a period of four (4) weeks from the date of receipt of a copy of this order, before the jurisdiction Magistrate, if not already filed.

With the above directions, the Criminal Original Petition is disposed of. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

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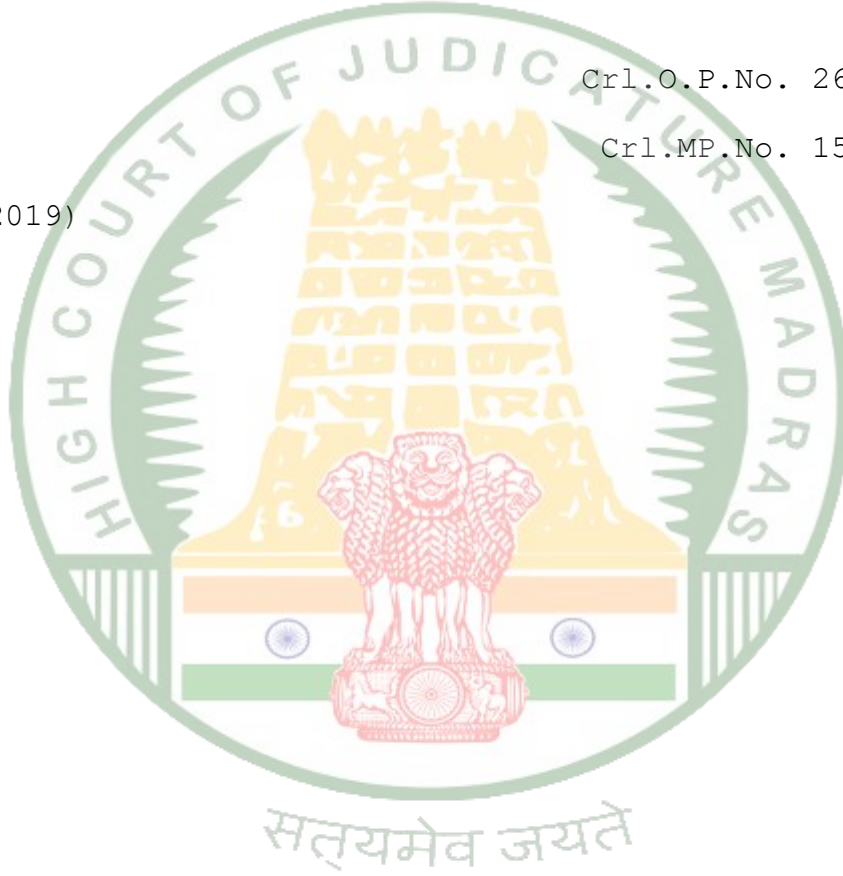
To

1. The Inspector of Police,
District Crime Branch,
Kanchipuram District,
Kancheepuram.
2. The Public Prosecutor
High Court, Madras.

+lcc to Dr.G.Krishnamurthy, Advocate, S.R.No. 21661

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GN(02/04/2019)



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