

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

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

CrI.O.P.No.2467 of 2014 and

M.P.No.1 of 2014

1. K.Elumalai
2. E.Saravanan
3. Rajakumar @ Ranjith Kumar
4. Senthamizh Selvi
5. Latha
6. Palanichami ... Petitioners

Vs.

1. The State of Tamil Nadu
represented by its
The Sub Inspector of Police
Anti Land Grabbing Special Cell,
District Crime Branch,
O/o. The Superintendent of Police,
Salem District, Salem.
2. D.Senthil Kumar ... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in FIR in Crime No.17 of 2013 dated 25.06.2013, on the file of the first respondent herein and quash the same.

For Petitioners : Mr.A.Thirumaran

For Respondents

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
For R2 : Mr.S.Gunalan

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.17 of 2013 on the file of the first respondent for the offences punishable under Sections 420, 120 B and 447 of IPC, as against the petitioners.

2. The learned Counsel appearing for the petitioners would submit that the petitions 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.17 of 2013 for the offences under Sections 420, 120 B and 447 of IPC, as against the petitioners. Hence he prayed to quash the same.

3. The learned counsel appearing for the second respondent would submit that there are specific allegations to attract the offences under Sections 420, 120 B and 447 of IPC as against the petitioners and it has to be investigated further. Therefore, he opposed to quash the FIR.

4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and only because of this petition, the respondent police could not able to file a final report.

5. Heard Mr.A.Thirumuaran, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent and Mr.S.Gunalan, learned counsel appearing for the second respondent.

6. 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.

7. In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the crime is of the year 2013, the first respondent is directed to complete the investigation in Crime No.17 of 2013 and file a final report within a period of four weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

8. 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

rts

To

1. The Sub Inspector of Police
Anti Land Grabbing Special Cell,
District Crime Branch,
O/o. The Superintendent of Police,
Salem District, Salem.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Gunalan, Advocate SR.No.13106

Crl.O.P.No. 2467 of 2014
and M.P.No.1 of 2014

Nri (CO)
GMY (01/04/2019)

सत्यमेव जयते

WEB COPY