

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.29292 of 2018
and CrI.M.P.No.17177 of 2018

K.Anandha Babu ... Petitioner/Accused 2
Vs

The State Represented by
The Sub Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the First Information Report in Crime No.390/2018 for offences under Sections 430, 379 I.P.C. and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 on the file of the respondent Police.

For Petitioner : Mr.C.Arun Kumar

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

O R D E R

The prayer sought for in the present criminal original petition is to quash the F.I.R. in Crime No.390 of 2018 on the file of the respondent as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the respondent police registered a case in Crime No.390 of 2018 for the offences under Sections 430, 379 I.P.C. and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, as against the petitioner. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police have only to file final report.

4. Heard Mr.C.Arunkumar, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 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 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 facts and circumstances of the case, the respondent is directed to complete the investigation in Crime No.390 of 2018 and file a final report within a period of three months from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

7. With the above directions, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District

2.The Additional Public Prosecutor,
High Court of Madras.

+2ccs to Mr.C.Arun Kumar, Advocate SR.No. 35252

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A.SK(16/05/2019)