



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No. 1646 of 2019

and

Crl.M.P.(MD) No. 851 of 2019

Raja Sivaprakash

... Petitioner/A4

Vs

1. State rep. by Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.
(Crime No. 41 of 2019)

... 1st Respondent / Complainant

2. Prabavathi

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the FIR under Crime No. 41 of 2019 dated 25.01.2019 on the file of the first respondent police and to quash the same.

For Petitioner: Mr.K.R. Laxman

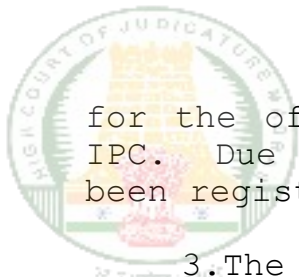
For R-1 : Mrs.S.Bharathi
Government Advocate (crl. Side)

For R-2 : Mr.J. Karthikeyan

ORDER

This petition has been filed to quash the FIR in Crime No.41 of 2019 on the file of the first respondent police as against the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioner in Crime No. 41 of 2019



for the offences under Sections 420, 468, 471, 120B and 506(i) of IPC. Due to land dispute between the parties, the impugned FIR has been registered. Hence he prayed to quash the same.

3.The learned counsel appearing for the second respondent/defacto complainant would submit that the co-accused had filed a petition for quashment of FIR in Crl.O.P.(MD) No. 16801 of 2019 and this Court by order, dated 18.11.2019 had dismissed the quash petition with direction to the first respondent police to pursue the materials, complete the investigation and file a final report within a period of Twelve Weeks from the date of receipt of a copy of the order.

4.The learned Government Advocate (criminal side) would submit that the investigation is still pending and this petition is a premature stage and hence, he prayed for dismissal of this petition.

4. Perused the materials available on record.

5. It is seen from the First Information Report that there are 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, this Court is not inclined to quash the FIR. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, the first respondent is directed to complete the investigation and file a final report within a period of **Three Months** from the date of receipt of copy of this Order, before the jurisdictional Magistrate. However, liberty is granted to the petitioner to challenge the final report, if grounds are made out.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-105817[F] dated 19/12/2019)

+1 CC to M/s.R.GANDHI, Advocate (SR-105849[F] dated 19/12/2019)

Crl.O.P. (MD)No.1646 of 2019
18.12.2019

ksa

SDS (22.01.2020) 3P-5C