



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM:

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD) .No.5724 of 2019
and
Crl.M.P.(MD) .No.3609 of 2019

K.Esakkisundar

.. Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Courtallam Police Station,
Courtallam,
Tirunelveli District.
(Crime No.53 of 2019)

.. Respondent-1/Complainant

2.Sankaran

.. Respondent-2/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in Crime No.53 of 2019 on the file of the respondent and quash the same.

For Petitioner	: Mr.G.Thiruvavutselvan
For 1 st Respondent	: Mrs. S.Bharathi, Government Advocate (Crl. Side)
For 2 nd Respondent	: Mr.R.Anand

O R D E R

This petition has been filed to quash the proceeding in Crime No.53 of 2019 on the file of the first respondent.

2. The learned Counsel appearing for the petitioner submitted that there is a civil dispute pending between the petitioner and the defacto complainant. He would further submit that the petitioner did not commit any offences as alleged in the impugned FIR. Without any basis, the first respondent police registered a case as against the petitioner in Crime No.53 of 2019 for the offences under Sections 448 and 380 of IPC. Hence he prayed to quash the same.



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

4. Perused the materials available on record.

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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 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 closed. Further, the first respondent is directed to pursue the materials, 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.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Inspector of Police,
Courtallam Police Station,
Courtallam,
Tirunelveli District.

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

VSG

TE : 07/01/2020 : 2P/3C

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