



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P. (MD)No.12336 of 2019

and

Crl.M.P (MD) No.7745 of 2019

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A.Allwin Raj ... Petitioner /2nd Accused

Vs

1. The Inspector of Police

Kaliyakkavilai Police Station

Kanyakumari District

Crime No.91 of 2019

...Respondent/Complainant

2. J.Jeeyaseelan

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to Call for the First Information Report on the file first respondent police in Crime No.91 of 2019 on the file of the Kaliyakkavilai Police Station and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.C Herold Singh

For Respondent : Mr.K.Suyambulinga Bharathi

No.1 Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.91 of 2019 on the file of the Kaliyakkavilai Police Station.

2. The learned counsel for the petitioner would submit that the said occurrence took place as alleged by the prosecution and infact the petitioner was attacked by the defacto complainant and as such he lodged a complaint and the same was registered in Crime No.84 of 2019 in which the defacto complainant is arrayed as A1. He further submitted that some other accused persons also lodged complaint against the defacto complainant and a case was also registered. There are so many complaints against the defacto complainant only for wreck vengeance a counter complaint has been lodged by the petitioner and a false case has been foisted against the petitioner and the first respondent without even conducting any enquiry had registered a case in Crime No. 91 of 2014. Even according to the case of the prosecution the said occurrence took place on 26.04.2019 and the case has been registered on 28.04.2019 and there is no explanation for the delay in lodging the complaint. Hence he prayed to quash the same.



3. The learned Government Advocate(Crl.Side) would submit that there is a counter case registered in Crime No.92 of 2019 in which the petitioner is the complainant and the defacto complainant is the first accused in both the complaint. He would further submit that investigation is almost completed and the respondent police have only to file final report.

4. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate(Crl.Side) appearing for the first respondent.

5. There are totally three accused in Crime No.91 of 2019 in which the petitioner is arrayed as A2. The case was registered for the offences under Sections 294(b), 323,324 and 506(ii) of IPC and there are specific allegations against all the accused persons.

6. It is also 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. That apart now there is a counter case has also been lodged by the petitioner and the same was registered in Crime No. 92 of 2019 and the second respondent is the accused in that Crime Number. Now the first respondent has completed the investigation and about to file final report. Therefore at this stage this petition cannot be entertained and hence the quash petition is dismissed. However the first respondent police is directed to complete the investigation in Crime No.91 of 2019 and file a final report before the concerned Court as expeditiously as possible.

8. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

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1. The Inspector of Police
Kaliyakkavilai Police Station
Kanyakumari District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.S.C.Herold Singh , Advocate SR.No.85423

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