



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.10.2019
CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.15004 of 2018
and
CrI.M.P. (MD) No.6649 of 2018

M.Subramani

... Petitioner/A1

Vs

1.The State rep. by
The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.
Crime No.32 of 2018

2.Sathish Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case in crime No.32 of 2018 on the file of the Inspector of Police, Kallimandayam Police Station, Dindigul District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand
For Respondents : Mr.K.Suyambulinga bharathi,
G.A. (CrI. Side) for R1

O R D E R

This petition has been filed to quash the proceedings in case in crime No.32 of 2018 on the file of the Inspector of Police, Kallimandayam Police Station, Dindigul District 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 first respondent police registered a case in Crime No.32 of 2018 for the offences under Sections 120(B), 408, 420, 424, 466, 468 and 472 of IPC, as against the petitioner and others. Hence he prayed to quash the same.

3. The learned Government Advocate (criminal side) would submit that the investigation is going on.

4. Heard both sides and perused the materials available on record



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, the petitioner is permitted to submit all the materials before the first respondent in respect of the documents registered in favour of one Thangaraj and the sale deed belongs to the petitioner and one Paripooranam, who, lodged a complaint initially prior to the defacto complainant. Thereafter, the first respondent is directed to consider the same and complete the investigation and file a final report within a period of eight months from the date of receipt of copy of this Order. In the meanwhile, the 1st respondent is directed not to harass the petitioner under the guise of enquiry.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

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

Order made in
CRL.O.P (MD) No.15004 of 2018
01.10.2019

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MK (18.10.2019) 2P 3C