



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2019**

CORAM:

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

Crl.O.P.(MD)No. 17075 of 2019

and

Crl.M.P.(MD) No. 10096 of 2019

WEB COPY

M.Iyyappan

... Petitioner/Accused No.1
Vs

1.The State represented by,
The Sub Inspector of Police,
Palani Taluk Police Station,
Dindigul District. ...Respondent/Complainant

2.Balasubramanian ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in Crime No.21 of 2018 on the file of the first respondent, the Sub Inspector of Police, Palani taluk Police Station, Dindigul District and quash the same as against the petitioner concerned.

For Petitioner : Mr.N.Padmaboopathi for
Mr.D.Shanmugaraja Sethupathi

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

ORDER

This petition has been filed to quash the FIR in Crime No.21 of 2018 on the file of the first respondent, the Sub Inspector of Police, Palani taluk Police Station, Dindigul District as against the petitioner concerned.

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.21 of 2018 for the offences under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 306 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.

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. However, the first respondent is directed to complete the investigation in Crime No.21 of 2018 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed. Further the learned counsel for the petitioner submitted that the complaints are motivated and if it so, the petitioner is at liberty to file a fresh representation to the superior authorities for transfer of investigation.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

vsg

To

1.The Sub Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

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

CrI.O.P. (MD)No. 17075 of 2019

and

CrI.M.P. (MD) No. 10096 of 2019

17.12.2019

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