



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.12.2019**

CORAM:

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

Crl.O.P. (MD)No. 18187 of 2019

and Crl.M.P. (MD) No. 10701 of 2019

WEB COPY

Ashish Kumar @ Asis

... Petitioner/A-1

Vs

1. The State

rep. by Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.
(Crime No. 6 of 2019)

2. C. Usha

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No. 6 of 2019 on the file of the District Crime Branch, Nagercoil, Kanyakumari District and to quash the same as against the petitioner.

For Petitioner : Mr. S.C. Herold Singh

For Respondent-1 : Mrs.S.Bharathi

Government Advocate (crl. Side)

For Respondent-2 : Mr. M.P. Senthil

ORDER

This Criminal Original Petition has been filed to quash the Crime No. 6 of 2019 on the file of the District Crime Branch, Nagercoil, Kanyakumari District as against the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner is only a partner of M/s. Sat Saheb International Corporation (SSIC) and the second respondent has not taken any steps as against the other partners in the partnership firm. Without any base, the first respondent police has registered a case in Crime No.6 of 2019 as against the petitioner for the offences under Sections 406 & 420 of IPC. Hence, he prayed to quash the impugned FIR.

3. The learned counsel appearing for the second petitioner would submit that the petitioner had approached this Court by way of filing a petition in Crl.O.P.(MD)No. 1443 of 2019 seeking for anticipatory bail and by order dated 04.11.2019 this Court has held that it is classic case of cheating and dismissed the petition filed by the petitioner.

4.The learned Government Advocate (criminal side) would submit that the petitioner is only a partner of M/s. Sat Saheb International Corporation (SSIC) and the second respondent has not taken any steps as against the other partners in the partnership firm. Without any base, the first respondent police has registered a case in Crime No.6 of 2019 as against the petitioner for the offences under Sections 406 & 420 of IPC. Hence, he prayed to quash the impugned FIR. The investigation is still pending



and this petition is a premature stage and hence, he prayed for dismissal of this petition.

5. Perused the materials available on record.

6. 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.

7. 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.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

ksa

To

1. The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.

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

+1 CC to MR.S.C.HEROLD SINGH, Advocate (SR-106177[F] dated
20/12/2019)

Crl.O.P. (MD)No.18187 of 2019

19.12.2019

KM/ (08.01.2020) 2P 4C

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