



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

Crl.O.P. (MD)No. 18055 of 2019
and Crl.M.P. (MD) No. 10621 of 2019

M. Sakthivel

... Petitioner

Vs

1. The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No. 449 of 2019)

2. Lakshmanan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the First Information Report in Crime No 449 of 2019, dated 17.10.2019 on the file of the Respondent No.1 for offence under section 294(b), 506(i) of IPC and quash the same as illegal as against the petitioner alone.

For Petitioner : Mr.T. Lajapathi Roy

For Respondent-1 : Mrs.S.Bharathi

Government Advocate (crl. Side)

ORDER

This petition has been filed to quash the FIR in Crime No 449 of 2019, dated 17.10.2019 on the file of the first respondent police, for the offences under sections 294(b), 506(i) of IPC and quash the same as illegal as against the petitioner alone.

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. 449 of 2019 for the offences under Sections 294(b), 506(i) of IPC and it is a case in counter. He would further submit that based on a complaint given by the petitioner a FIR in Crime No.448 of 2019 has been registered by the same respondent police as against the defacto complainant. He would further submit that the impugned FIR does not make a prima facie case against the petitioner and on perusal of the FIR would show that the offence under Section 294(b), 506(ii) of IPC is not attracted as against the petitioner. Hence he prayed to quash the same.



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

WEB COPY

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 step in 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 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 //

Sub Assistant Registrar(CS)

ksa

To

1. The Inspector of Police,
Thenkarai Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-103697[F] dated 05/12/2019)

Crl.O.P.(MD)No.18055 of 2019
04.12.2019

MK (30.12.2019) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>