



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No. 18409 of 2019

and Crl.M.P. (MD) No. 10814 of 2019

Sanjeevi Kani

... Petitioner

Vs

1. The Inspector of Police,
Sivagiri Police Station
Tirunelveli District
(Cr.No.396/2019)

2. Kanagaraj

... 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 396 of 2019 on the file of the Inspector of Police, Sivagiri Police Station, Tirunelveli district and quash the same insofar as the petitioner concerned.

For Petitioner : Mr.V.Angusamy

For Respondent : Mrs.S.Bharathi

Government Advocate (crl. Side)

ORDER

This petition has been filed to quash the FIR in Crime No 396 of 2019 on the file of the first respondent police as against the petitioner.

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 396 of 2019 for the offences under Sections 435 of IPC and Section 3 of TNPPLD Act. The impugned FIR was registered with the influence of the second respondent. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that the 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 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 (W)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Sivagiri.

2.The Inspector of Police,
Sivagiri Police Station
Tirunelveli District

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-104016[F] dated 09/12/2019)

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sma/26/12/2019/2p/5c