



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.12.2019**

CORAM:

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

Crl.O.P.(MD)No. 19083 of 2019

and

Crl.M.P.(MD) No. 11209 of 2019

1. K. Malkhar Batcha
2. Kaajamydeen
3. Fathima

... Petitioners

Vs

1. The State rep.by
The Inspector of Police
All Women Police Station
Theni District.
(Cr.No.24/2019)

2. Megarnunnisha

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No. 24 of 2019 for offences under Sections 417,420,498(A), 294(b), 406, 506(i) of IPC on the file of the Inspector of Police, All Women Police Station, Theni District and quash the same.

For Petitioners: Mr.J.Senthil Kumar

For Respondent : Mrs.S.Bharathi

No.1

Government Advocate (crl. Side)

ORDER

This petition has been filed to quash the FIR in Crime No. 24 of 2019 on the file of the first respondent police as against the petitioners.

2. The learned Counsel appearing for the petitioners would submit that the petitioners did not commit any offences as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioners in Crime No. 24 of 2019 for the offences under Sections 417,420,498(A), 294(b), 406, 506(i) of IPC. He would also submit that excepting 498(A) the ingredients of other offences are not made out against the petitioners. 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, she prayed for dismissal of this petition.

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4. Perused the materials available on record.

5. It is seen from the First Information Report that there are specific allegation as against the petitioners, 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 in Crime No. 24 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police is directed to complete the investigation and file final report before the concerned Court within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Inspector of Police
All Women Police Station
Theni District

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

Crl.O.P.(MD)No. 19083 of 2019
and Crl.M.P.(MD) No. 11209 of 2019
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<https://hccasecourts.gov.in/cases/2P-3C>