



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.03.2020
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

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CRL.O.P.No.26236 of 2016 and Crl.M.P.No.13050 of 2016,
Crl.MP.13049 of 2016

1.G.Bhuvaneshwari
2.P.Soundar Rajan

... Petitioners

Vs.

1.State rep by:
The Inspector of Police,
C3 Police Station,
Coimbatore.

2.Mr.Anandhi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the Cr.No.641/2016, dated 28.10.2016 on the file of the first respondent.

For Petitioner : Mr.M.Aravind Subramaniam

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1
Mr.S.Rajesh &
Mr.S.Pattabiraman for R2

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.641 of 2016 registered by the first respondent police for offences under Section 448 of IPC, as against the petitioners.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the third respondent police registered a case in Crime No.641 of 2016 for the offences under Section 448 of IPC, as against the petitioners. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent



police have only to file final report.

4. Heard Mr.M.Aravind Subramanim, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent.

5. It is seen from the First Information Report that there are specific allegations as against the petitioner to attract the offences, which has to be investigated in depth. Further the FIR is not an encyclopedia and it need not contain all facts and 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. It is relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in Crl.A.No.255 of 2019 dated 12.02.2019 in the case of Sau. Kamal Shivaji Pokarnekar vs. the State of Maharashtra & ors., as follows:-

"4. The only point that arises for our consideration in this case is whether the High Court was right in setting aside the order by which process was issued. It is settled law that the Magistrate, at the stage of taking cognizance and summoning, is required to apply his judicial mind only with a view to taking cognizance of the offence, or in other words, to find out whether a prima facie case has been made out for summoning the accused persons. The learned Magistrate is not required to evaluate the merits of the material or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to a conviction or not.

5. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious, or oppressive. If the allegations set out in the complaint do not constitute the offence of



jurisdiction Magistrate, if not already filed.
connected miscellaneous petition is closed.

Consequently,

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
C-3 Police Station
Coimbatore

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Aravind Subramaniam Advocate sr21730

+1 cc to Mr.S.Rajesh Advocate sr22733

Cr1.O.P.No.26236 of 2016

ss(co)
aa02/07/2020