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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6610 of 2016
and Crl.MP.No.3441 of 2016

Iqbal Begum

... Petitioner

Vs.

1. State Represented by Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam,
Kancheepuram District

2. R.Amutha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records of the Crime No.384 of 2015 dated 14.09.2015 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.Sundar
For Respondents
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

For R2 : Mr.R.Balachandran

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.384 of 2015 registered by the first respondent police for offences under Sections 420, 465, 468 r/w 34 of IPC, as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.384 of 2015 for offences under Sections 420, 465, 468 r/w 34 of IPC, as against the petitioner. Hence he prayed to quash the same.



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Magistrate, it is open to the High Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before the Trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere.

.....

9. Having heard the learned Senior Counsel and examined the material on record, we are of the considered view that the High Court ought not to have set aside the order passed by the Trial Court issuing summons to the Respondents. A perusal of the complaint discloses that prima facie, offences that are alleged against the Respondents. The correctness or otherwise of the said allegations has to be decided only in the Trial. At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

7. In view of the above discussion, this Court is not inclined to quash the First Information Report. Accordingly, this Criminal Original Petition stands dismissed. However, considering the crime is of the year 2015, the first respondent is directed to complete the investigation in Crime No.384 of 2015 and file a final report within a period of four weeks from the date of receipt of copy of this Order, before the



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

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam,
Kancheepuram District
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.6610 of 2016

PPA(CO)
KKV/14/07/2020