

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CrI.O.P.No.2855 of 2020
and
CrI.M.P.No.1711 of 2020

Panneerselvam

...Petitioner

-Vs-

1. The State represented by
The Inspector of Police,
Avinankudi Police Station,
Cuddalore District.
(Crime No.89 of 2019)

2. Chitra

... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records made in F.I.R. in Crime No.89 of 2019 on the file of the Inspector of Police, Avinankudi Police Station, the First respondent herein and quash the same as illegal.

For Petitioner : Mr.M.Velmurugan

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the accused No.3 to quash the F.I.R. in Crime No.89 of 2019 on the file of the Inspector of Police, Avinankudi Police Station, the First respondent herein.

2. The learned counsel for the petitioner has submitted that based on the complaint lodged by the second respondent, an F.I.R has been registered and in the said F.I.R, it is stated that one Manikandan who is the husband of the second respondent died by hanging under a suspicious circumstance. He further submitted that subsequently, the first respondent has submitted an alteration report before the Judicial Magistrate, Thittakudi on 01.12.2019 stating that the case has

been altered into under sections 302 and 201 I.P.C. He further submitted that there is no material to implicate the petitioner in the above case. Therefore, he prayed to quash the F.I.R against the petitioner herein.

3. Per contra, the learned Additional Public Prosecutor appearing for the first respondent has submitted that the F.I.R has been registered under section 174 Cr.P.C. as suspicious death. After registering the F.I.R, the matter was taken up for investigation and initial investigation revealed that the petitioner herein and others participated in the abovesaid Crime Number and only after completion of the investigation, it can be found what kind of offence has been committed by the petitioner and therefore he prayed to dismiss the petition.

4. Admittedly, F.I.R has been registered under section 174 Cr.P.C and only in the alteration report, the petitioner's name has been shown as one of the accused. Under such circumstances, the petitioner cannot seek to quash the F.I.R. This Court is of the view that the first respondent should be allowed to complete the investigation and only thereafter it can be found that what kind of offence the petitioner has committed.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed. It is open to the petitioner to file a fresh petition, if any charge sheet is filed against the petitioner. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

mfa

To

1.The Inspector of Police,
Avinankudi Police Station,
Cuddalore District.

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.M.Velmurugan, Advocate SR.No.10667

Cr1.O.P.No.2855 of 2020
and
Cr1.M.P.No.1711 of 2020

SJ (CO)
GMR (19/03/2020)