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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5829 of 2020
and
Crl.MP.No.3314 of 2020

T.N.K.Tamilselvam ... Petitioner/Accused Single
Vs.

1.State represented by
Sub Inspector of Police,
Annadanapatti Police Station,
Salem City & District.

2.Sathiyapriya ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the FIR in Crime No.151/2019 dated 16.03.2019 on the file of the first respondent.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor.

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.151 of 2019 registered by the first respondent police for offences under Sections 354 of IPC and r/w 4 of T.N.P.W.H Act, as against the petitioner.

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 first respondent police registered a case in Crime No.151 of 2019 for the offences under Sections 354 of IPC and r/w 4 of T.N.P.W.H, as against the petitioner. 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.



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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.

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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 2019, the first respondent is directed to complete the investigation in Crime No.151 of 2019 and file a final report within a period of 12 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.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

tta



To

1. The Sub Inspector of Police,
Annadanapatti Police Station,
Salem City & District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Balakrishnan, Advocate SR.No.22529

Crl.O.P.No.5829 of 2020

VG II(CO)
GMY(01/07/2020)