

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.05.2020

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Criminal.O.P.No.7656 of 2020  
and CrI.M.P.No.3952 of 2020

1.Farrook @ M.Abdul Farook,  
S/o. Mohamed Ibrahim

2.Nowsath @ M.Nowsath Ali  
S/o.Mohamed Ibrahim ... Petitioners

/versus/

1.State by Inspector of Police,  
Tiruppur North Police Station,  
Tiruppur City, Tiruppur  
(Crime No.1091 of 2020)

2.Mr.V.Rajendraprasad,  
Sub Inspector of Police,  
Tiruppur North Police Station,  
Tiruppur. ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the complaint in FIR in Cr.No.1091 of 2020 on the file of the 1<sup>st</sup> respondent herein and to quash the said FIR dated 26.04.2020 as against the petitioners/accused 2 and 3 and to pass such further orders.

For petitioners : Mr.J.Franklin  
For Respondents : Mr.K.Prabhakar,  
Addl Public Prosecutor.

O R D E R

This petition has been filed to quash the First Information Report in Crime No.1091 of 2020 on the file of the first respondent police as against the petitioners.

2. The learned counsel for the petitioners would submit that the petitioners are arrayed as accused Nos.2 and 3. He would further submit that they are press reporters working for a media Company named "1 Yes Media" and they have given certain complaints against the defacto complainant and as a revenge, the

defacto complainant by recording the confession statement from the arrested accused has implicated them falsely in this case. He further submit that even prior to the registration of the First Information Report, the contraband has been seized under a mahazar from the other arrested accused, thereby showing that the entire registration of the case and the further proceedings are farce and thereby he would seek to quash the proceedings. The learned counsel for the petitioners would further submit that the informant and the person who registered the case are one and the same and thereby the entire proceedings is liable to be quashed.

3. The learned Additional Public Prosecutor would submit that the arrested accused were found to be in possession of large quantities of liquor bottles for illicit sale. The arrested accused have confessed about the involvement of the petitioners herein. Further the case has been registered only on 26.04.2020 and the investigation is at a premature stage. There are prima facie materials and the FIR cannot be quashed at the threshold and thereby seek to dismiss the quash petition.

4. Heard both sides and perused the documents.

5. I have gone through the First Information Report, the case has been registered on 26.04.2020. The case of the prosecution as per the 2<sup>nd</sup> respondent/defacto complainant, who is the Sub Inspector of Police, Tiruppur North Police Station is that on 26.04.2020, he was on duty along with other two first grade constables taking care of law and order problem and to prevent the sale of ganja, lottery tickets, liquor and other illegal activities. In the course of his duty on secret information that certain persons were engaged in illicit sale of liquor, he was having watch and he has seen a person carrying a white bag and on seeing the 2<sup>nd</sup> respondent/defacto complainant, he had started to run away and he was apprehended, when he was enquired he had disclosed his name as Manimuthu and confessed to have possessed 10 brandy bottles for sale. He further confessed that he was working as a Supervisor in Banian company and that he had purchased ( 48 nos. quarter bottles) for Rs.250/- each from one Manikandan and sold 38 bottles and he was in possession of balance 10 bottles. Thereafter, the defacto complainant had arrested the said Manikandan and he had confessed that he had received the illicit liquor bottles from the petitioners. Thereafter, the case has been registered against the petitioners and others for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act.

6. This Court is of the opinion that the case is in the initial stage and it is seen from the First Information Report that the other arrested accused have confessed about the

involvement of the petitioners herein. The First Information Report is not an encyclopedia and it need not contain all facts and it cannot be quashed at the threshold. Investigation machinery has to be given sufficient time to investigate, grab and unearth the crime in accordance with the procedure prescribed in the Court. This Court is of the opinion that it is not a fit case for quashing the First Information Report. However some allegations have been raised by the petitioners that they have preferred some complaints against the respondent police and thereby the respondent in order to take revenge on them have falsely implicated in this case.

7. In view of the above, while dismissing this quash petition, this Court directs the Assistant Commissioner of Police, North Range, Tiruppur to monitor the investigation in Cr.No.1091/2020. The petitioners shall give a representation to the Assistant Commissioner of Police, (North Range), Tiruppur, with regard to the alleged complaint given by them against the respondent police and the Assistant Commissioner of Police, (North Range), Tiruppur shall enquire into it before the final report is filed. Accordingly, this Criminal Original Petition is dismissed. With a direction to the respondent to complete the investigation and to file the final report within four(4) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector of Police,  
Tiruppur North Police Station,  
Tiruppur City,  
Tiruppur

2.Mr.V.Rajendraprasad,  
Sub Inspector of Police,  
Tiruppur North Police Station,  
Tiruppur.

3.The Public Prosecutor,  
High Court, Madras.

CrI.O.P.7656 of 2020  
and CrI.M.P.No.3952 of 2020

LN(CO)  
RMP(23/07/2020)