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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.16544 of 2019

and

Crl.MP.Nos.1715 & 8319 of 2019

1.M.Rekha

[This petition is dismissed insofar as the first petitioner is concerned.

As per order in Crl.OP.No.16544 of 2019 and Crl.MP.No.8319 of 2019 dated 27.06.2019.]

2.K.Selvarani

3.K.Sangeetha

4.K.Revathi

5.K.Manikandan

6.M.Karupaiya

... Petitioners/Accused

Versus

1. The State rep by

The Inspector of Police,
Palavanthangal Police Station, Crime,
Chennai District.

2. Latha Chandrasekaran

... Respondents/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.186 of 2019 on the file of the respondent police and quash the same.

For Petitioners : Mr.Arun. G

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

M/s.S.Ramadevi for R2

O R D E R

This petition has been filed to quash the FIR in Crime No.186 of 2019 registered by the first respondent police for offences under Sections 406, 420 & 506(i) of IPC, as against the petitioner.



2.The learned counsel 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.186 of 2019 for the offences under Sections 406, 420 & 506(i) of IPC, 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.

4.Heard Mr.Arun. G, learned counsel appearing for the petitioner 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.



before the jurisdiction Magistrate, if not already filed.
Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

klt

To

1. The Judicial Magistrate,
Alandur.
2. The Inspector of Police,
Palavanthangal Police Station, Crime,
Chennai District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.TRI Law Office, Advocate SR.No.23402

Crl.O.P.No.16544 of 2019
and
Crl.MP.Nos.1715 & 8319 of 2019

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