



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.02.2020**

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.[MD].No.2006 of 2020

and

Crl.M.P.(MD)No.1007 of 2020

WEB COPY

B.Kuraisha @ Koraisa

: Petitioner/Accused No.2

Vs.

1.State Represented by

The Inspector of Police,
District Crime Branch Police Station,
Thiruchi District.
In Crime No.17 of 2018.

: Respondent/Complainant

2.C.Baskaran

: Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the case in Crime No.17 of 2018, pending on the file of the first respondent and quash the same is illegal insofar as the petitioner is concerned.

For Petitioner : Mr.A.Raja

For R1 : Mrs.S.Bharathi

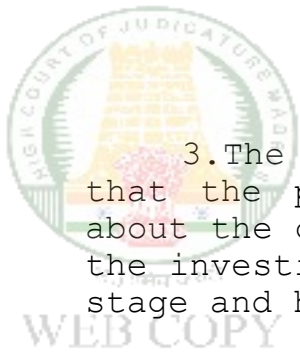
Government Advocate (Crl. side)

For R2 : Mr.R.J.Karthick

ORDER

This Criminal Original Petition has been filed to call for the entire records connected with the case in Crime No.17 of 2018, pending on the file of the first respondent and quash the same is illegal insofar as the petitioner is concerned.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is the third wife of A-1. Suppressing the earlier marriage, the first accused had married this petitioner. The petitioner is working as Teacher in Thiruthani which is 300km far away from her place of occurrence and A-1 was living at Thiruvallur. Though A-1 has executed several documents admitting the receipt of the amount, the petitioner has not received any such documents. If the petitioner could have been present in the scene of occurrence, she would have also executed documents. He would further submit that the petitioner did not commit any offence as alleged in the impugned FIR. Without any base, the first respondent police registered a case against the petitioner in Crime No.17 of 2018, for the offences under Sections 417, 420, 506(1) of IPC r/w Section 34 of IPC. Hence, he prayed to quash the same.



3.The learned Government Advocate (criminal side) would submit that the petitioner has filed a divorce petition coming to know about the criminal activities of A-1. She would further submit that the investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

4.Per contra, the learned counsel for the de-facto complainant would submit that originally the petitioner had disowned A-1, stating that she is not aware of A-1, whereas at the same time she has stated that she had married A-1.

5. Perused the materials available on record.

6.It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, 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 investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.17 of 2018. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police is directed to complete the investigation and file final report before the concerned Court within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Sji
To

1.The Inspector of Police,
District Crime Branch Police Station,
Thiruchi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



+1 CC to Mr.R.J.KARTHIK, Advocate (SR-5287[F] dated 07/02/2020)

+1 CC to Mr.A.RAJA, Advocate (SR-5295[F] dated 07/02/2020)

Crl.O.P.[MD].No.2006 of 2020
06.02.2020

WEB COPY
MK (28.02.2020) 3P 5C