



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No. 293 of 2020

and

Crl.M.P. (MD) No. 88 of 2020

WEB COPY

Subash

... Petitioner

Vs

1. The Inspector of Police
Allinagaram Police Station
Theni District

2. Ashok Sundar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.321 of 2019 on the file of the first respondent and quash the same

For Petitioner : Mr.C.Vakeeswaran

For Respondent : Mr.S.Chandrasekar
No.1 Additional Public Prosecutor

ORDER

This petition has been filed to quash the FIR in Crime No.321 of 2019 on the file of the first respondent police as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is innocent purchase and the property has been purchased without the knowledge of the pendency of this case. He would submit that the above case is squarely applicable to the judgment of the Honourable Apex Court reported in **(2009)3 SCC (Cr.) 929** in the case of **Mohammed Ibrahim and others -vs- State of Bihar and another** and that the dispute is clearly civil in nature. Without any base, the first respondent police registered a case as against the petitioner in Crime No. 321 of 2019 for the offences under Sections 120(B), 441,465,468,471 and 474 of IPC. Hence he prayed to quash the same.

3.The learned Additional Public Prosecutor would submit that investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

4. Perused the materials available on record.



5. 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.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 321 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police is directed to complete the investigation taking into consideration the judgment of the Honourable Apex Court reported in **(2009)3 SCC (Cr.) 929** in the case of **Mohammed Ibrahim and others -vs- State of Bihar and another** if it is applicable to the facts on hand and file final report before the concerned Court within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Allinagaram Police Station
Theni District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No. 293 of 2020
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