



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

CORAM:

WEB COPY THE HONOURABLE **MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD).No.832 of 2020

J.Jayapaul Mohan

..Petitioner/Sole Accused

Vs.

1.The State rep. by,
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

.. Respondent/Complainant

2.Mary Priya

.. Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.461 of 2019 on the file of the first respondent police and quash the same.

For Petitioner : Mr.M.Anandran

For 1stRespondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

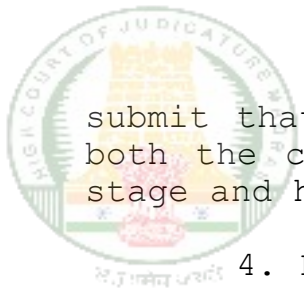
O R D E R

This petition has been filed to quash the FIR in Crime No.461 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 due to civil dispute pending between the petitioner and the second respondent, a false case has been foisted against the petitioner. Without any basis, the first respondent police registered a case as against the petitioner in Crime No.461 of 2019 for the offences under Sections 342, 323, 324, 379 and 506(ii) of IPC and 4 of TN Prohibition of Harassment of Women Act, 2002. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that the defacto complainant was injured. She would further

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submit that it is a case and case in counter and investigation in both the case are 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.

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5. It is seen from the First Information Report that there are specific allegation as against the petitioners, 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. 461 of 2019. Accordingly, this criminal original petition is dismissed. Further the first respondent police is directed to complete the investigation and file final report before the concerned Court in both the crime number following the police standing order and file final report within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To:

1. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

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

+1 CC to M/s.M.ANANDRAJ, Advocate (SR-3766[F] dated 29/01/2020)

Crl.O.P. (MD).No.832 of 2020

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JMN(17.02.2020) 2P : 4C

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