



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2020**

CORAM:

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

Crl.O.P.(MD)No. 1974 of 2020

and

Crl.M.P.(MD) No. 972 of 2020

1. Subbulakshmi
2. Subburaj
3. Kannan

... Petitioners / Accused Nos.1 to 3

Vs

- 1.The State rep.by
The Inspector of Police
Veerapandi Police Station
Theni District.
(in Crime No.384/2019)

... 1st Respondent / Complainant

2. Rajasekar

...2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Crime No. 384 of 2019 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.J.Sulthan Basha
for M/s.Ajmal Associates

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

ORDER

This petition has been filed to quash the FIR in Crime No. 384 of 2019 on the file of the first respondent police as against the petitioners.

2. The learned Counsel appearing for the petitioners would submit that the petitioners did not commit any offences as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioners in Crime No.384 of 2019 for the offences under Section 435 of IPC. He would also submit that false complaint has been given due to civil dispute pending between the petitioners and the defacto complainant. 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.

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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.384 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 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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Inspector of Police
Veerapandi Police Station
Theni District.

Copy to:

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

Crl.O.P.(MD)No. 1974 of 2020
and Crl.M.P.(MD) No. 972 of 2020
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