



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

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

WEB COPY

CrI.O.P.(MD)No.1789 of 2020

and

CrI.M.P.(MD) No.842 of 2020

1.Sam
2.Kumar
3.Jeyanthi
4.Selvarani

... Petitioners / Accused 1 to 4

Vs.

1.The State
Represented by Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.490 of 2019)

2.Rajan ...2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case in Crime No.490 of 2019 on the file of the first respondent Thuckalay Police Station, Kanyakumari District and to quash the same.

For Petitioners : Mr.S.C.Herold Singh

For R1 : Mrs.S.Bharathi
Government Advocate (crl.side)

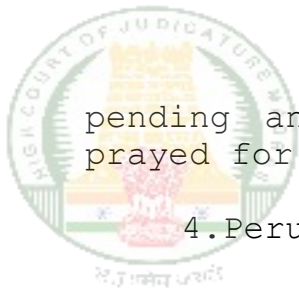
For R2 : Mr.C.Muthusaravanan

ORDER

This petition has been filed to quash the FIR in Crime No.490 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.490 of 2019 for the offences under Section 306 IPC. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) appearing for the first respondent would submit that investigation is still



pending and this petition is in premature stage and hence, she 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 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.490 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, 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 (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

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

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4811[F]

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SDS (19.02.2020) 2P-4C