



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

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

Crl.O.P.(MD)No.2704 of 2020

and

Crl.M.P.(MD) No.1406 of 2020

WEB COPY

A.Sahaya Maclean Augustine Roy @ Makiln Ray ... Petitioner/
2nd Accused

Vs

1.The State rep. by,
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.33 of 2018)

2.M.Ramesh ... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Crime No.33 of 2018 on the file of the first respondent herein and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.S.Balasubramanian

For 1stRespondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in Crime No.33 of 2018 on the file of the first respondent.

2.The learned Counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged in the impugned FIR. Without any basis, the first respondent police registered a case as against the petitioner in Crime No.33 of 2018 for the offences under Sections 420, 406, 120(b) and 506(i) of IPC. Hence, he prayed to quash the same.

3.The learned Additional Public Prosecutor appearing for the first respondent Police 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 is specific allegation as against the petitioner, which has to be investigated. The FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed at 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. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondent is directed to complete the investigation in Crime No.33 of 2018 within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

- 1.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No. 2704 of 2020
and
Crl.M.P.(MD) No. 1406 of 2020
17.02.2020

VB(28.02.2020) 2P 3C