



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.02.2020**

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No. 1768 of 2020

and Crl.M.P.(MD) No. 829 of 2020

WEB COPY

Kombaiah

... Petitioner/Accused No.3

Vs

1. The State Rep.by

The Inspector of Police

Murappanadu Police Station

Thoothukudi District

... R1/Complainant

2. Alagar

Village Administrative Officer

Vada Vallanadu

Srivaikundam Taluk

Thoothukudi District

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pursuant to the FIR in Crime No. 02 of 2020 on the file of the Inspector of Police, Murappanadu Police Station, Thoothukudi District, dated 08.01.2020 and quash the same.

For Petitioner : Mr.S.Sundarapandian

For Respondent : Mrs.S.Bharathi

No.1 Government Advocate (crl. Side)

ORDER

This petition has been filed to quash the FIR in Crime No. 02 of 2020 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 did not commit any offences as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioner in Crime No. Crime No. 02 of 2020 for the offences under Section 379 of IPC. He would also submit that no recovery has been made from the petitioner and statements have not been recorded from the independent witnesses. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) 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. 02 of 2020. 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 (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Murappanadu Police Station
Thoothukudi District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MK (17.02.2020) 2P 3C