



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

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

Crl.O.P.(MD)No.1832 of 2020

and Crl.M.P.(MD)No.878 of 2020

1.A.Balamurugan

...Petitioner No.1/Accused No.2

2.G.Vadivel

... Petitioner 2/Rank not known

Vs.

1.State represented by the

Inspector of Police,

Palani Adivaram Police Station,

Palani, Dindigul District.

...1st Respondent/Complainant

2.P.Deepak

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to the FIR in crime No.04 of 2020, on the file of the first respondent police under Sections 147, 448, 294(b), 323, 506(i) and 120B of IPC and Section 3(1) of TNPPDL Act and quash the same as illegal as against the petitioners.

For Petitioners : Mr.S.A.S.Alaudeen

For R1

: Mrs.S.Bharathi,

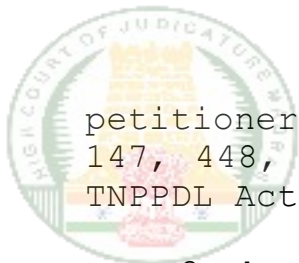
Government Advocate(Crl.side)

ORDER

This criminal original petition has been filed to quash the FIR in crime No.04 of 2020 for the offence under Sections 147, 448, 294(b), 323, 506(i) and 120B of IPC and Section 3(1) of TNPPDL Act, on the file of the first respondent police.

2.The learned counsel appearing for the petitioners would submit that the petitioners have filed a suit as against the defacto complainant and that they have obtained an order of injunction and a civil dispute is also pending between the parties. He would further submit that as a counter-blast, a false complaint was given as if the petitioners caused damage to the properties. He would submit that the name of the second petitioner does not find place in FIR and that the petitioners are Advocates. He would also 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.04 of 2020 for the offences under Sections 147, 448, 294(b), 323, 506(i) and 120B of IPC and Section 3(1) of TNPPDL Act. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that there are specific allegations against the petitioners and they have abused the defacto complainant and caused damage to CCTV. She would submit that the 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 allegations 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.04 of 2020. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed. However, the respondent police is directed to complete the investigation and file final report before the concerned Court within a period of two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1.The Inspector of Police,
Palani Adivaram Police Station,
Palani, Dindigul District.



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

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KM/ (20.02.2020) 3P 3C