



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2020**

CORAM:

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

Crl.O.P. (MD)No. 1949 of 2020

and Crl.M.P. (MD) No. 966 of 2020

WEB COPY

Ashik Mohammed @ Al Ashik ... Petitioner/Accused No.3
Vs

1. The State Rep.by
The Inspector of Police
Dindigul Taluk
Dindigul ... Respondent/Complainant

2. Yuavaraj Prito ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the FIR in Crime No.641 of 2019 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah

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

ORDER

This petition has been filed to quash the FIR in Crime No.641 of 2019 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.641 of 2019 for the offences under Sections 147,148,294(b),324, 506(ii) of IPC @ 147,148,295(b), 324, 307 and 506(ii) of IPC. He would also submit that the allegations against the petitioner is that he along with other accused have assaulted the defacto complainant. He would further submit that the defacto complainant had sent letter to the first respondent police stating that the petitioner is not involved in this case.. 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.



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. 641 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 (W)

// True Copy //

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Sub Assistant Registrar(CS)

Aav

To

1.The Judicial Magistrate No.I, Dindigul.

2. The Inspector of Police
Dindigul Taluk
Dindigul

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

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-4946[F] dated 06/02/2020)

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KK/SAR/18.02.2020/3P-5C/