



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

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

WEB COPY

Crl.O.P.(MD)No.2475 of 2020

and

Crl.M.P.(MD).No.1270 of 2020

Ramasamy

... Petitioner

Vs

1.The State rep. by,
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.

2.Ramalingam

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records pertaining to case in Crime No.79 of 2019 dated 16.11.2019 on the file of the Inspector of Police, Kulathur Police Station, Thoothukudi District and quash the same in so far as against the petitioner is concerned.

For Petitioner : Mr.B.Brijesh Kishore
For 1stRespondent : Mr.R.Anandharaj
Additional Public Prosecutor
For 2nd Respondent : Mr.KA.Raamakrishnan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.79 of 2019 dated 16.11.2019 on the file of the Inspector of Police, Kulathur Police Station, Thoothukudi District in so far as against the petitioner is concerned.

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.79 of 2019 for the offences under Sections 294(b) and 323 of IPC. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) appearing for the first respondent police would submit that based on the complaint given by the second respondent, a case in Crime No.79 of 2019 has been registered against the petitioner and on the complaint given by



the petitioner, a case in Crime No.80 of 2019 has been registered against the second respondent. Both the cases are case and case in counter. She would further submit that investigation is being done in both the cases in a fair manner and hence, he prayed for dismissal of this petition.

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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. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondent police is directed to complete the investigation in Crime No.79 of 2019 and file final report 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)

To

1. The Inspector of Police,
Kulathur Police Station, Thoothukudi District.

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

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-9458[F]

+1 CC to M/s.KA.RAMAKRISHNAN, Advocate (SR-9497[F]

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vsg

<https://hccs.courts.gov.in/2020/02/28/2P-5C>