



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.2598 of 2020

and

Crl.M.P. (MD) .No.1356 of 2020

WEB COPY

1.R.Gopalakrishna Prasad
2.Raveeindra Prasad
3.Radhakrishnan @ Ratha ... Petitioners/Accused Nos.1 to 3
Vs

1.The State of Tamilnadu Rep. by,
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No.181 of 2018) ...1st Respondent/Complainant

2.Ravindran ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records pertaining to the FIR in Crime No.181 of
2018 on the file of the first respondent and quash the same.

For Petitioners : Mr.A.Rajkumar Sen

For 1st Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

ORDER

This petition has been filed to quash the proceedings in Crime No.181 of 2018 on the file of the first respondent.

2.The learned Counsel appearing for the petitioners would submit that the petitioners are arrayed as accused in Crime No.181 of 2018 for the offence under Section 379 of IPC. The allegation is that the second respondent/defacto complainant's lorry bearing Registration No.TN 75 K 8418 was found missing from 02.09.2018, whereas, a complaint has been given after six days on 09.09.2018. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case, since there is a money dispute pending between them. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) appearing for the first respondent police would submit that investigation is still pending and this petition is in premature stage and hence, she 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.181 of 2018 within a period of three Months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsg

To

1. The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.2598 of 2020

and

CrI.M.P. (MD) .No.1356 of 2020

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KK/02.03.2020/2P-3C

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