



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.2365 of 2020

and

CrI.M.P.(MD).No.1207 of 2020

D.Selvaraj

... PetitionerSole Accused

Vs

1.The State represented by,
The Sub Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.
(Crime No.58 of 2019)

... 1st Respondent/Complainant

2.S.Muthukumar

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned FIR made in Crime No.58 of 2019 on the file of the first respondent.

For Petitioner : Mr.D.Sadiq Raja

For 1stRespondent: Mrs.S.Bharathi,

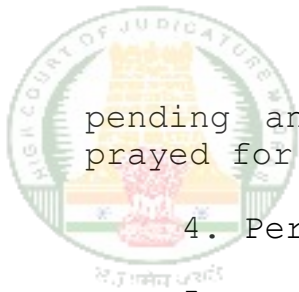
Government Advocate (CrI. Side)

O R D E R

This petition has been filed to quash the proceedings in Crime No.12 of 2020 on the file of the first respondent Police Station.

2.The learned Counsel appearing for the petitioner would submit that there are presumptive loss to the petitioner, due to which, the petitioner erstwhile employee of the second respondent's shop and now he has left from the shop of the petitioner and thereby a false case has been given by the second respondent against the petitioner. He would further 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.58 of 2019 for the offences under Sections 408, 420 and 477A of IPC . Hence, he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that the petitioner earlier approached this Court by way of filing anticipatory bail application and the same was dismissed by this Court on the ground that there are sufficient materials against the petitioner. She would further submit that the 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 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 is directed to complete the investigation in Crime No.58 of 2019 within a period of Three Months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

1.The Sub Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.

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

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-6189[F] dated 13/02/2020)

Order made in
CRL.O.P (MD) No.2365 of 2020
and
Cr1.M.P. (MD) .No.1207 of 2020
11.02.2020

MK (26.02.2020) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>