



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2020**

CORAM:

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

Crl.O.P.[MD] No.3664 of 2020

and

Crl.M.P.[MD]No.1976 of 2020

WEB COPY

1.Kingsly Babu

2.Balakrishnan

: Petitioners

vs.

1.The Inspector of Police,
District Crime Branch,
Kanyakumari District,
Kanyakumari.
(Crime No.33 of 2019)

2.Uma

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the First Information Report in Crime No.33 of 2019, dated 23.11.2019, on the file of the first respondent, for offence under Section 420 of IPC, 1860 and quash the same as illegal as against the petitioner.

For Petitioners : Mr.T.Lajapathi Roy

For R1 : Mrs.S.Bharathi
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to quash the First Information Report in Crime No.33 of 2019, dated 23.11.2019, on the file of the first respondent.

2. The learned Counsel appearing for the petitioners would 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.33 of 2019, for the offences under Section 420 of IPC. Hence, he prayed to quash the same.

3.The learned Government Advocate (criminal side) 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 are specific allegation 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.33 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 (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Inspector of Police,
District Crime Branch,
Kanyakumari District,
Kanyakumari.

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

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-9797[F] dated 03/03/2020

Crl.O.P.[MD] No.3664 of 2020
28.02.2020

VB(16.03.2020) 2P 4C