



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.2709 of 2020

and

Crl.M.P.(MD) No.1409 of 2020

WEB COPY

1.Baby

2.Kala

... Petitioners/Accused 2 & 3

Vs

1.The State rep. by,

The Inspector of Police,
All Women Police Station,
Kuzhithurai, Marthandam,
Kanyakumari District.
(Crime No.09 of 2019)

... 1st Respondent/Complainant

2.Theresa Angel

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the FIR in Crime No.09 of 2019 on the file of the Inspector of Police, All Women Police Station, Kuzhithurai, Marthandam, Kanyakumari District as against the petitioner herein.

For Petitioners : Mr.A.Thiruvadi Kumar

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

ORDER

This petition has been filed to quash the proceedings in Crime No.09 of 2019 on the file of the Inspector of Police, All Women Police Station, Kuzhithurai, Marthandam, Kanyakumari District as against the petitioner herein.

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 basis, the first respondent police registered a case as against the petitioners in Crime No.09 of 2019 for the offences under Sections 294(b), 498(A) and 406 of IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961. Hence, he prayed to quash the same.

3.The learned Additional Public Prosecutor appearing for the first respondent Police 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 is specific allegation as against the petitioners, 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.09 of 2019 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,
All Women Police Station,
Kuzhithurai, Marthandam,
Kanyakumari District.

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

+1 CC to Mr.A.THIRUVADIKUMAR, Advocate (SR-6711[F] dated
17/02/2020)

Crl.O.P.(MD)No. 2709 of 2020

and

Crl.M.P.(MD) No. 1409 of 2020

17.02.2020

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