



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2020

CORAM:

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

Crl.O.P.(MD)No.2888 of 2020

and

Crl.M.P(MD) No.1541 of 2020

K.Mahendran

... Petitioner / 2nd Accused

Vs

1.The State represented by
The Special Sub-Inspector of Police,
Kattuputhur Police Station,
Trichy District. ... 1st Respondent / Complainant

(Crime No.317 of 2017)

2. G.Gurusamy,
S/o. N.Gurusamy,
Assistant Director,
Geology and Mines Department,
Trichy. ... 2nd Respondent / De facto complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the FIR in Crime No. 317 of 2017, on the file of the first respondent Police and quash the same as illegal

For Petitioner : Mr.N.Sudhagar Nagaraj
For R-1 : Mr.S.Bharathi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.317 of 2017, on the file of the first respondent police.

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.317 of 2017 for the offences under Sections 379, 294(b), 353, 307, 506 (2) of I.P.C. and Section 21 (1) of the Mines and Minerals (Development and Regulation Act, 1957. Hence he prayed to quash the same.

3. The learned Government Advocate(Crl.Side) would submit that apart from offence under Section 21(1) of Mines and Mineral (Development and Regulation) Act, 1957, the case has been registered for the offence under Sections 379, 294(b), 353, 307, 506 of I.P.C. She would further submit that the Assistant Director, Geology and Mines Department, who is an authorised officer, gave a complaint before the first respondent Police. He would submit that the



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 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.317 of 2017, within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

To

1. The Special Sub-Inspector of Police,
Kattuputhur Police Station,
Trichy District.

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

Crl.O.P. (MD)No.2888 of 2020

and

Crl.M.P(MD) No.1541 of 2020

19.02.2020

sma/02/03/2020/2p/3c