



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM

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

CRL.O.P (MD) No.3008 of 2020

WEB COPY

Prem Nirmala

... Petitioner/A3

Vs

1.The State rep. by,
The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.
(Crime No.435 of 2019)

..1st Respondent/Complainant

2.Eliyesar Joseph

...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 First Information Report in Crime No.435 of 2019 on the file of the Inspector of Police, Nanguneri Police Station, Nanguneri, Tirunelveli District and quash the same as illegal, erroneous and devoid of merits in respect of the petitioner.

For Petitioner : Mr.C.Anand

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

O R D E R

This quash petition is filed to quash the criminal proceedings in Crime No.435 of 2019 on the file of the Inspector of Police, Nanguneri Police Station, Nanguneri, Tirunelveli District.

2.The learned Counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged in the impugned FIR. He would further submit that there is a civil dispute pending between the petitioner and the second respondent, a false case has been foisted against the petitioner. Without any basis, the first respondent police registered a case as against the petitioner in Crime No.435 of 2019 for the offences under Sections 379, 427, 467 and 468 of IPC. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would 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. However, the first respondent police is directed to complete the investigation in Crime No.435 of 2019 and file a final report within a period of three Months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsg

To:

1. The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.

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

+1 CC to MR.C.ANAND, Advocate (SR-7466[F] dated 21/02/2020)

Order made in
CRL.O.P (MD) No.3008 of 2020
20.02.2020

_KM/ (03.03.2020) 2P 4C

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