



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P(MD).No.5150 of 2019

and

Crl.M.P.(MD).No.3233 of 2019

Ashok Kumar

... Petitioner/Accused No.5

Vs.

1.State rep. by,

The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
In Crime No.01 of 2019.

...1st Respondent/Complainant

2.P.Geedha

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.01 of 2019 on the file of the first respondent and quash the same against the petitioner.

For Petitioner : Mr.M.Jothi Basu

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

For 2nd Respondent: Mr.K.P.Sankara Kumarakuruparan

O R D E R

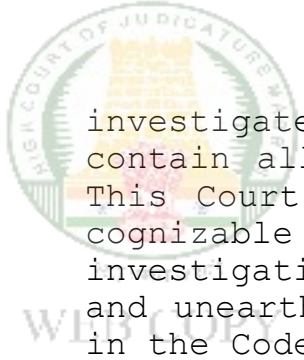
This petition has been filed to quash the proceedings in Crime No.01 of 2019 on the file of the first respondent Police.

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.01 of 2019 for the offences under Sections 294(b), 506(ii), 498(A) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002. 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, 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 police is directed to complete the investigation in Crime No.01 of 2019 and file a final report within a period of Two Months from the date of receipt of a copy of this order. Consequently, the connected Cr1.M.P.(MD).No.3233 of 2019 is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To:

1. The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.

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

+1 CC to Mr.G.M.LAW ASSOCIATES, Advocate (SR-774[F] dated 08/01/2020)

+1 CC to Mr.K.P.SANKARA KUMARA KURUPARAN, Advocate (SR-770[F] dated 08/01/2020)

Cr1.O.P(MD).No.5150 of 2019
and

Cr1.M.P.(MD).No.3233 of 2019
08.01.2020

VB(27.01.2020) 2P 5C