



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No. 19169 of 2018

and Crl.M.P.(MD) No. 8605 of 2018

WEB COPY

1. Santha Kumari

2. Chellaiyan

... Petitioners/Accused 2&3

Vs.

1. The State rep. by

the Inspector of Police,

All Women Police Station - Kuzhithurai,

Kanyakumari District.

... R-1/Complainant

2. Gokula Rani

... R-2/Defacto complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.13 of 2018 on the file of the 1st respondent police and quash the same as against these petitioners.

For Petitioners : Mr.S.C. Herold Singh

For R-1

: Mrs.S.Bharathi,

Government Advocate (crl. Side)

O R D E R

The Criminal Original Petition has been filed to quash the FIR in Crime No. 13 of 2018 on the file of the first respondent police as against the petitioners for the offences under Sections 498 (A), 406 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961.

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. 13 of 2018 for the offences under Sections 498(A), 406 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961. 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.



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. 13 of 2018 as against the petitioners. Accordingly, this criminal original petition stands 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 (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
All Women Police Station - Kuzhithurai,
Kanyakumari District.

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

+1 CC to MR.S.C.HEROLD SINGH, Advocate (SR-5751[F] dated
12/02/2020)

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KM/ (03.03.2020) 2P 4C