

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 11.02.2020****CORAM:**

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No. 19968 of 2018
and Crl.M.P.(MD) No. 9169 of 2018

1. A. Joseph Kennedy @ Kennedy
2. Isabella Rani @ Isabella ... Petitioners/A-1 & A-2

Vs.

1. The Sub-Inspector of Police,
Kallakudi Police Station,
Lalkudi Taluk, Trichy District. ...1st Respondent/Complainant
2. Llin Mary ...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the First Information Report in Crime No. 183 of 2018 on the file of the Sub-Inspector of Police, Kallakudi Police Station, Lalkudi Taluk, Trichy District and quash the same as against the petitioners.

For Petitioners	: Mr.P. Sivachandran
For R-1	: Mrs.S.Bharathi, Government Advocate (crl. Side)
For R-2	: Mr.K. Bhaskaran

O R D E R

The Criminal Original Petition has been filed to quash the FIR in Crime No.183 of 2018 on the file of the first respondent police as against the petitioners for the offences under Sections 417, 420, 465, 468 and 471 of IPC.

2. The learned counsel appearing for the petitioners would submit that as per allegations these petitioners are attempting to get a false legal heirship certificate. He would further submit that no offence has been made out against the petitioners.

3. The learned Government Advocate (Crl. Side) would submit that there are materials available against the accused. Since there is stay, the respondent police is unable to continue further investigation and if the respondent police is permitted to continue investigation, final report will be filed at earliest.

<https://hmservices.echms.gov.in/services>

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 in Crime No.183 of 2018. Accordingly, this criminal original petition is 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 Two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Sub-Inspector of Police,
Kallakudi Police Station,
Lalkudi Taluk, Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.BHASKARAN, Advocate (SR-5848[F] dated 12/02/2020)

Cr1.O.P.(MD) .No.19968 of 2018
11.02.2020

KK/11.03.2020/ 2P- 4C