

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 11.02.2020****CORAM:****THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA****CrI.O.P. (MD) .No. 17794 of 2018**

Kalantar Ashik Ahamadu

... petitioner/A1

Vs.

1. State rep. by the
Inspector of Police,
R.S. Mangalam Police Station,
Ramanathapuram.
(In Crime No. 113 of 2018)

... R-1/Complainant

2. Bilal Gani ...R-2/Defacto complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records of FIR in Crime No.113 of 2018 on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.S.M.A. Jinnah
For R-1 : Mrs.S.Bharathi,
Government Advocate (crl. Side)

O R D E R

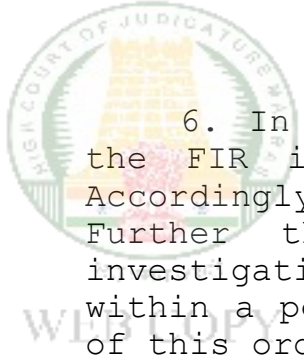
The Criminal Original Petition has been filed to quash the FIR in Crime No. 113 of 2018 on the file of the first respondent police as against the petitioner for the offences under Sections 294(b), 324 & 506(ii) of IPC.

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 base, the first respondent police registered a case as against the petitioner in Crime No. 113 of 2018 for the offences under Sections 294(b), 324 & 506(ii) of IPC. 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 in Crime No. 113 of 2018 as against the petitioner. Accordingly, this criminal original petition stands 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 (CSI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa

To

1. The Inspector of Police,
R.S. Mangalam Police Station,
Ramanathapuram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) .No.17794 of 2018
11.02.2020

GKG(CO)
KB(15.10.2020) 2P 3C