



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2020**

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

Crl.O.P. (MD)No. 17171 of 2019
and Crl.M.P. (MD) No. 10150 of 2019

Gopalakrishna Nair

... Petitioner/Accused(single)

Vs

1. The State Rep.by
The Inspector of Police
Alwarkurichi Police Station
Tirunelveli District

... Respondent/Complainant

2. Muthurajan

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records pertaining to the case in Crime No.129 of 2019 pending on the file of the Inspector of Police, Alwarkurichi Police Station, Tirunelveli District and quash the same as against the petitioner

For Petitioner	:	Mr.R.Anand
For Respondent	:	Mrs.S.Bharathi
No.1		Government Advocate (crl. Side)

ORDER

This petition has been filed to quash the FIR in Crime No.129 of 2019 pending on the file of the Inspector of Police, Alwarkurichi Police Station, Tirunelveli District as against the petitioner.

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. 129 of 2019 for the offences under Sections 294(b), 323,324 and 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. She would also submit that it is a case and counter case 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. 129 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police is directed to complete the investigation in Crime No.129 of 2019 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 (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Alwarkurichi Police Station
Tirunelveli District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MK (06.03.2020) 3P 3C