



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2020**

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No. 19294 of 2019
and Crl.M.P. (MD) No. 11322 of 2019

C.Sundaram

... Petitioner/Accused No.1

Vs

1. The State Rep.by
The Inspector of Police
CCB, Trichy City
Trichy

... 1st Respondent/Complainant

2. N.Swarnalatha

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the FIR in Crime No. 49 of 2019 dated 04.11.2019 on the file of the Inspector of Police, CCB, Trichy City, Trichy.

For Petitioner : Mrs.S. Prabha

For Respondent : Mrs.S.Bharathi
No.1 Government Advocate (crl. Side)

No.2 : Mr.B.Saravanan

ORDER

This petition has been filed to quash the FIR in Crime No. 49 of 2019 dated 04.11.2019 on the file of the Inspector of Police, CCB, Trichy City, Trichy as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the defacto complainant is none other than the wife of the petitioner and that for non receipt of some money a complaint has been given before the Vyalikaval Police Station, Karnataka and the same complaint has been given before the respondent police. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) appearing for the first respondent would submit that the allegations in the complaint before the Vyalikaval Police Station, Karnataka and the



allegations before the respondent police are different and hence, she prayed for dismissal of this petition.

4. The learned counsel appearing for the second respondent would submit that the case registered before the Vyalikaval Police Station, Karnataka is different and the present complaint before the respondent police is something different. He would submit that Karnataka complaint pertains to fabrication and forgery of documents whereas the complaint before the present respondent police is in respect of misuse of cheque leaves belonging to the petitioner and the investigation is at the preliminary stage.

5. Perused the materials available on record.

6. 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.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No. 49 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 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 (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
CCB, Trichy City
Trichy



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

+1 CC to M/s.B.SARAVANAN, Advocate (SR-293[F] dated 06/01/2020)

+1 CC to M/s.D.RAMESH KUMAR, Advocate (SR-302[F] dated 06/01/2020)

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JMN(10.01.2020) 3P : 5C