



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.19671 of 2019

and

Crl.MP(MD)No.11470 of 2019

1.Sivakumar

2.Manavalan

3.Sivalingam

4.Lakshmanan

5.Sivanthi

6.Pitchai

7.Eswari

8.Saroja

...Petitioners

Vs.

1.State of Tamil Nadu,
Rep by the Inspector of Police,
Austinpatti Police Station,
Madurai District.
(Crime No.107 of 2015)

.... 1st Respondent/Complainant

2.P.Annapetchi

.... 2nd Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings of the First Information Report in Crime No.107 of 2015 on the file of the first respondent and quash the same.

For Petitioners : Mr.J.Selvam

For R1 : Mrs.S.Bharathi
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to quash the FIR in Crime No.107 of 2015 on the file of the first respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



2. The learned Counsel appearing for the petitioners would submit that the petitioners have 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. 107 of 2015 for the offences under Sections 147, 148, 294(b), 323, 427, and 506 (ii) of IPC and under Sections 4 of TNPWH Act. 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 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. 107 of 2015. 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 (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

To

1. The Inspector of Police,
Austinpatti Police Station,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to Mr.K.VAMANAN, Advocate (SR-674[F] dated 08/01/2020)

**CrI.O.P. (MD) .No.19671 of 2019
and
CrI.MP (MD) No.11470 of 2019
06.01.2020**

VB(24.01.2020) 3P 4C