



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2021

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

Crl.O.P.(MD)Nos.4177 of 2021

and

Crl.M.P(MD).No.2325 of 2021

WEB COPY

1.K.P.Hari Krishnan
2.J.Sivakumar
3.Venkateshan

... Petitioners

Vs.

1.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.1474/2020)

2.Murugavel

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.1474 of 2020 on the file of the first respondent Police and quash the same.

For Petitioners : Mr.B.Mahendrarajan
For R1 : Mr. A.Robinson
Government Advocate
(Criminal Side)

ORDER

The present petition is filed seeking to quash the First Information Report in Crime No.1474 of 2020 of Kodaikanal Police Station.

2.Mr.A.Robinson, learned Government Advocate (Criminal side) accepts notice on behalf of the first respondent.

3.The contention of Mr.B.Mahendrarajan, learned counsel appearing for the petitioners is that First Information Report in Crime No.1474 of 2020 was registered by the Inspector of Police, Kodaikanal Police Station, after 20 days of the complaint made by the father of the second and third petitioners and that the petitioners have not committed any offences punishable under Sections 294(b) and 506(1)(a) of the Indian Penal Code.

4.It is settled law that mere delay in lodging First Information Report cannot be a ground to quash the entire First



Information Report in Crime No.1474 of 2020. Move over the investigation is at initial stage.

5. In the decision reported in **2020 SCC online SC 958 in Skoda Auto Volkswagen India Private Limited vs. State of Uttar Pradesh and others**, it has been held thus :

"It is needless to point out that ever since the decision of the Privy Council in King Emperor vs. Khwaja Nazir Ahmed, the law is well settled that Courts would not thwart any investigation. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on. As cautioned by this Court in State of Haryana vs. Bhajan Lal, the power of quashing should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. While examining a complaint, the quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint. In S.M. Datta vs. State of Gujarat, this Court again cautioned that criminal proceedings ought not to be scuttled at the initial stage. Quashing of a complaint should rather be an exception and a rarity than an ordinary rule. In S.M. Datta (supra), this Court held that if a perusal of the first information report leads to disclosure of an offence even broadly, law courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere."

6. In the circumstances, I do not find any reason to quash the First Information Report in Crime No.1474 of 2020. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

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

+1 CC to M/s.G.V.VAIRAM SANTHOSH, Advocate (SR-12380[F] dated 19/03/2021)

Crl.O.P.(MD)Nos.4177 of 2021

18.03.2021

VB (30/04/2021) 3P / 4C