



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3295 of 2022

B.Jegan

... Petitioner/A3

Vs.

1. The State represented by,
Sub Inspector of Police,
Ariyoor Police Station,
Vellore District. ...1st Respondent/Complainant
2. Dhayalan ...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records in respect of Crime No.109 of 2021 on the file of the Sub Inspector of Police, Ariyoor Police Station, Vellore District and quash the same.

For Petitioner : Ms.T.Sreelekha

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to quash the FIR in Crime No.109 of 2021 dated 09.04.2021 on the file of the Sub Inspector of Police, Ariyoor Police Station, Vellore District.

2. The petitioner stands accused of committed offences punishable under Sections 294(b), 324, 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 on the basis of the complaint lodged by the second respondent/de facto complainant.

3. Learned counsel appearing for the petitioner would submit that the petitioner is a student pursuing B.Tech in Vellore Institute of Technology, Vellore. Based on the complaint given on account of the land dispute pending between the family of the



petitioner and R2/defacto complainant, a case was registered by the first respondent in Crime No.109 of 2021, for the offence under Sections 294(b), 324, 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in which the petitioner was arrayed as A3 in the case. She would further submit that on the alleged date of occurrence, the petitioner was undergoing his online examination and his presence was monitored by the College Authorities and he has not involved in the offence. She would reiterate that only in order to implicate the entire family members, false case has been given against the petitioner.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that due investigation will be conducted by the first respondent and the final report will be filed in accordance with law. He would further submit that the grounds raised by the petitioners are factual in nature and without any legal points, the proceedings cannot be quashed. Hence, he prayed for dismissal of the petition.

5. Heard the learned counsel and perused the materials available on record.

6. 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. Therefore, it cannot be quashed on 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.109 of 2021. Accordingly, this criminal original petition is dismissed. However, the first respondent police is directed to investigate with regard to the claim of the petitioner that he was attending exams on online on the date of occurrence and complete the investigation and file the final report as expeditiously as possible, preferably within a period of two months from today.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



ham/rgi

To

WEB COPY

1. The Sub Inspector of Police,
Ariyoor Police Station,
Vellore District.
2. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.3295 of 2022

sv[col
srg 17/02/2022