



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.4968 of 2022

R.Vimala,  
W/o.Ramesh

... Petitioner/Accused

Vs

State Represented by  
The Inspector of Police,  
K-10 Koyambedu Police Station,  
Koyambedu, Chennai.

... Respondent/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.153 of 2019 pending on the file of the respondent police and quash the same.

For Petitioner : Mr.K.Bommuraj

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to call for the records in Crime No.153 of 2019 pending on the file of the respondent police and quash the same.

2. The learned counsel appearing for the petitioner would submit that the complaint has been given by the husband of the petitioner and he was chronic alcoholic and that he sustained burn injuries by pouring steaming hot water and he was admitted to Kilpauk Medical College Hospital, Chennai and he died on 22.02.2019. He would further submit that on the complaint of the petitioner's husband, a false case has been registered for an offence under Section 307 of IPC. He submits that without properly enquiring the petitioner's husband, the respondent has registered the FIR. Hence, he prayed to quash the same.



3. The learned Additional Public Prosecutor would submit that the case has been registered based on the complaint given by the husband of the petitioner. He would further submit that the grounds raised by the petitioner are factual in nature and it is the case where the petitioner who is the wife of the deceased, due to matrimonial dispute, has poured steaming hot water on her husband, resulting which, he sustained burn injuries and admitted to the hospital on 18.02.2019. A case was registered for the offence under Section 307 of IPC and later after four days, the victim succumbed to the injuries thereby, the case was altered to one under Section 304(II) of IPC.

4. The learned Additional Public Prosecutor would further submit that investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

5. Heard both sides and 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.153 of 2019. Accordingly, this criminal original petition is dismissed. Further the respondent police is directed to complete the investigation and file final report before the concerned Court as expeditiously as possible, preferably, within a period of two months from today.

Sd/-  
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

arb



To

1. The Inspector of Police,  
K-10 Koyambedu Police Station,  
Koyambedu, Chennai.

2. The Public Prosecutor,  
High Court of Madras.

+1cc to M/s.K.Bommuraj, Advocate, S.R.No.14522

CRL.O.P.No.4968 of 2022

RP(CO)  
SU(21/03/2022)