



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.3927 OF 2022
AND CRL.M.P.NO.1900 OF 2022

1. R.Stephen Raj
2. A.Basha

... Petitioners/
Accused

Vs.

1. The State Represented By,
The Inspector of Police,
Ariyoor Police Station,
Vellore District, Tamilnadu.

2. M.Karthik

... Respondents/
Complainant

PRAYER:

The Criminal Original Petition filed under Section 482 of Code of Criminal Procedure pleased to call for the records pertaining to the case pending investigation in Crime No.64/2018 on the file of the respondent police and quash the same.

For Petitioners : Mr.S.Praveennath

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petition has been filed seeking to call for the records pertaining to the case pending investigation in Crime No.64 of 2018 on the file of the first respondent police and quash the same.

2. Learned counsel for the petitioners would submit that the



petitioners are innocent and they have been falsely implicated in this case. He would further submit that though, the case has been registered during the year 2018, the respondents are unable to file the final report, since, the defacto complainant has not identified the accused.

3. Learned Additional Public Prosecutor would submit that the grounds raised by the petitioners are factual in nature. It is the case, where the accused have come in motor cycle and one accused threatened by brandishing a knife and had robbed the cell phone and Rs.300/- (Rupees Three Hundred only) from the defacto complainant. He would also submit that the investigation is pending.

4. Heard the learned counsel and 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. 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.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 64 of 2018. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed. Further, direction is issued to the first respondent police to complete the investigation and file the final report in Crime No.64 of 2018 within a period of four months from today.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgi/ham



To

1. The Inspector of Police,
Ariyoor Police Station,
Vellore District, Tamilnadu.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3927 of 2022
and Crl.M.P.No.1900 of 2022

VSN II (CO)
PM/23/02/2022