



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5405 of 2022

K.Sirajuddin

... Petitioner/Accused

-Vs-

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
Traffic Investigation, Guindy Police,
Chennai.
Crime No.346 of 2021

2. Hema Chandran

... Respondents/Complainant/
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to call for the records on the file of Traffic Investigation, Guindy Police, Chennai and quash the F.I.R in Crime No.346 of 2021.

For Petitioner : Mr.Rac Kumar

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.346 of 2021 on the file of Traffic Investigation, Guindy Police, Chennai and quash the F.I.R in Crime No.346 of 2021.

2. The petitioner stands accused of committed offence punishable under Sections 279, 337, 338 and 308 of IPC on the basis of the complaint lodged by the second respondent/de facto complainant.

3. Learned counsel for the petitioner would submit that the petitioner was driving the car and the victim had over taken the car from the left side and he hit the vehicle of the



petitioner. He would further submit that the petitioner had not violated the provisions, whereas, the first respondent, based on the false complaint given by the de-facto complainant/R2, had registered a case in Crime No.346 of 2021 against the petitioner for the offence under Sections 279, 337, 338 and 308 of IPC on 07.08.2021. He would also submit that the petitioner is innocent and he had falsely implicated in this case. Hence, he prayed to quash the FIR.

4. Learned Additional Public Prosecutor would submit that the petitioner is the owner of the car Honda City bearing Registration No.TN-07-CP-5334. The petitioner had driven the car in a rash and negligent manner under the influence of alcohol and dashed against the de-facto complainant's vehicle and as a result, the de-facto complainant and his wife sustained injuries. He would further submit that the investigation is pending and the grounds raised by the petitioner are factual in nature and without any legal points, the proceedings cannot be quashed.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent 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. 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.346 of 2021. Accordingly, this Criminal Original Petition is disposed of. However, the first respondent is directed to complete the investigation and file the final report as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ham/rgi



To

1. The Inspector of Police,
Traffic Investigation, Guindy Police,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5405 of 2022

AK(CO)
GN(22/03/2022)