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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.3209 of 2022
and Cr1.M.P.No.1463 of 2022

1. Velusamy
2. Mylathal
3. Dharmalingam
4. Karthikeyani

... Petitioners/Accused No 1 to 4
Vs.

1. State represented by
Inspector of Police,
Kottur Police Station,
Pollachi,
Coimbatore District.
(Crime No. 392 of 2021)

... Respondent

2. Loganayagi
- ... Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the FIR in Cr.No.392 of 2021 pending on the file of the Kottur Police Station, Pollachi, Coimbatore.

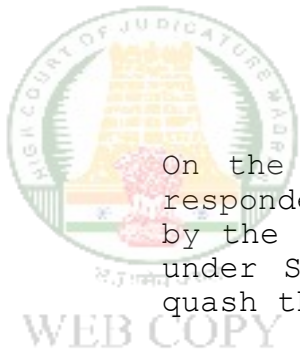
For Petitioners : Mr.S.Bala Ganesh

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.392 of 2021 pending on the file of the Kottur Police Station, Pollachi, Coimbatore.

2. Learned counsel for the petitioner would submit that no incident as alleged by the de facto complainant had happened and the fact remains that the petitioners were assaulted and on the complaint given by the third petitioner, a case in Crime No.393 of 2021 has been registered by the first respondent against the second respondent and her husband / Krishnakumar for the offences under Section 294 (b), 323 & 506(1) IPC on 24.11.2021.



On the same day, based on the complaint given by the second respondent, the case in Crime No.392 of 2021 has been registered by the first respondent against the petitioners for the offences under Section 294 (b), 323 & 506(1) IPC. Hence he prayed to quash the FIR in Crime No.392 of 2021.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the grounds raised by the petitioners are factual in nature and without any legal points, the proceedings cannot be quashed.

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. 392 of 2021. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed. Further, the first respondent police is directed to investigate both the cases viz., Crime Nos.392 & 393 of 2021 and file the final report as expeditiously as possible, preferably within a period of six months from today.

Sd/-
Deputy Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II
Pollachi, Coimbatore District.
2. The Inspector of Police,
Kottur Police Station,
Pollachi,
Coimbatore District.



3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Bala Ganesh, Advocate, S.R.No.9992

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and

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NR(CO)
CT 16/02/2022