



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM

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

CRL.O.P.NO.2708 OF 2022

AND

CRL.M.P.NO.1336 OF 2022

Madhan Doss,
S/o.Pahayappan

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

2. Krishnan,
S/o.Arumugam

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records relating to the case registered in Crime No.1458 of 2021 on the file of the first respondent police and quash the FIR.

For Petitioner	:	Mr.D.Dayalan
For Respondents	:	
For R1	:	Mr.A.Gokulakrishnan Additional Public Prosecutor

ORDER

Mr.A.Gokulakrishnan, learned Additional Public Prosecutor takes notice on behalf of the first respondent.

2. This Original Petition has been filed seeking to call for records relating to the case registered in Crime No.1458 of 2021 on the file of the first respondent police and quash the F.I.R.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The de-facto complainant (father of the deceased)



has stated that there was previous enmity between one Arulnathan and Madhan Doss in respect of contesting the Panchayat Elections and that they have instilled fear within the village, following which, these persons under the leadership of Arulnathan along with Vicky, Suren and others have brutally murdered the de-facto complainant's son. Other than that allegations, there is no other material to implicate the petitioner in the offences, thereby he would pray for quashing the FIR.

4. The learned Additional Public Prosecutor for the first respondent would submit that the investigation is in initial stage. The said FIR is not in any encyclopedia and the offences are of serious in nature and the grounds raised by the petitioner are factual in nature.

5. In support of this contention, the learned Additional Public Prosecutor relied on the following judgments:-

(i) Neeharika Infrastructure Private Limited Vs State of Maharashtra and others, 2021 SCC Online SC 315.

(ii) Shafiya Khan @ Shakuntala Prajapati Vs State of Uttar Pradesh and another, 2022 Live Law (SC) 153.

6. The learned Additional Public Prosecutor for the first respondent further submitted that the petitioner has not made out a case for any interference at this stage.

7. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

8. Taking into consideration of the FIR, the case has been registered only on 22.08.2021 and the investigation is in initial stage, it would not be proper to scuttle the investigation. However, this Court directs the first respondent to complete the investigation and file a final report as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

9. This Criminal Original Petition stands dismissed with the above direction. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

nst/arb



To

1. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.D.Dayalan, Advocate, S.R.No.9270

CRL.O.P.No.2708 of 2022
and CRL.M.P.No.1336 of 2022

KG(CO)
RLP(03/03/2022)