



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4407 OF 2022

AND

CRL.M.P.NO.2281 OF 2022

1.Soorya @ Sooryarajan
2.Girija @ Gajalakshimi
3.Richard
4.Yamini

... Petitioners

-Vs-

1. The State rep by
The Inspector of Police,
S-12, Chitlapakkam Police Station,
Chennai-600 064.
Crime No.356 of 2021

2. Ashvin Kumar

... Respondents

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the entire records in connection with the case in Crime No.356 of 2021 dated 18.11.2021 on the file of the respondent police and quash the same.

For Petitioners : Mr.D.Mario Johnson

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the entire records in connection with the case in Crime No.356 of 2021 dated 18.11.2021 on the file of the respondent police and quash the same.

2. Learned counsel for the petitioners would submit that the defacto complainant and his friend one Baskaran sexually abused the 4th petitioner and they have threatened the 4th petitioner and



had also extorted money from her as they will have upload a video in the social media. Based on the complaint given by the 4th petitioner, a case has been registered in Crime No.25 of 2021 dated 18.11.2021 for offences under Sections 376, 354(c), 506(2) IPC r/w 67 of Information Technology Act. As a counter blast, a false complaint has been given by A2. In this case, FIR has been registered against the petitioner in Crime No.356 of 2021. Further, he would submit that it is only registered as a counter blast. He would also submit that the case given by the fourth petitioner is transferred to the file of the Deputy Commissioner of Police, CCB, Tambaram, for investigation. He would seek to quash the F.I.R.

3. Learned Additional Public Prosecutor would submit that in this case, the petitioners have assaulted the defacto complainant, due to which he has sustained serious injuries. He would further submit that the case is under investigation and 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.356 of 2021. Accordingly, this Criminal Original Petition is disposed of. However, Ms.Subulakshmi, Deputy Commissioner of Police, CCB, Tambaram, is directed to investigate both the cases 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. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nr/ham



To

1. Ms.Subulakshmi,
The Deputy Commissioner of Police,
CCB, Tambaram.
2. The Inspector of Police,
S-12, Chitlapakkam Police Station,
Chennai-600 064.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.4407 of 2022
and Cr1.M.P.No.2281 of 2022

SS(CO)
PM/28/03/2022