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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4192 of 2022

Dinesh ...Petitioner/Accused No.6

Vs.

1. The State represented by,
The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.
(Crime No.1540 of 2017) ..Respondent/Complainant

2. P.Raji ...Respondents/Defacto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records pursuant to the Crime No.1540 of 2017 on the file of the Respondent and quash the same.

For Petitioner	:Mr.M.Mariappan
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.1540 of 2017 on the file of the first Respondent/Police.

2. The petitioner stand accused of commission of offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC on the basis of the complaint lodged by the second respondent/de facto complainant.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the allegations in the FIR do not make out the charge for 506(2) of



IPC. He would further submit that excepting vague allegation of criminal intimidation, the de-facto complainant has not sought for any police protection. Moreover, the injuries on the defacto complainant are simple in nature.

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4. Per contra, Mr.Gokulakrishnan, Additional Public Prosecutor would submit that the petitioner is arrayed as A6 in Crime No.1540 of 2017. The third accused Sentamilselvan was working in the bank and he was removed from the service due to some illegal activities. Thereafter, A3 along with the petitioner and some others have joined together and gone to the house of R2/de-facto complainant and assaulted the de-facto complainant and his family members with sticks and iron rod, due to which they sustained injuries and they were admitted in the hospital. There are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into a full-fledged trial. He would further submit that the grounds raised by the petitioner are factual in nature and without any legal points and the proceedings cannot be quashed. Hence, he prayed for dismissal of the petition.

5. Heard the learned counsel and perused the materials available on record.

6. 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.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.1540 of 2017. Further, the first respondent/Police 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.



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8. Accordingly, this Criminal Original Petition is dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ham/rgi
To

1. The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4192 of 2022

PMK (CO)
SP(17/03/2022)