



WEB COPY

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.4205 of 2022
and
Crl.M.P.No.2109 of 2022

A.Karthik

...Petitioner

Vs.

1. The Inspector of Police,
Team CCB-I, EDF-II,
Chennai.

2. Amar Rahman

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in Crime No.45 of 2020 on the file of the first Respondent Police and quash the same.

For Petitioner : Mr.K.Thenrajan

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.45 of 2020 on the file of the Respondent Police.

2.The petitioner stand accused of committed offences punishable under Sections 468, 471, 409, 420 IPC r/w 34 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 allegations of the de-facto complainant are not supported by valid documents. Though the petitioner and the other accused are stated to have cheated the de-facto complainant to the tune of Rs.5,85,20,000/- no audit report has been submitted by the de-facto complainant till date.

4.Per contra, Mr.Gokulakrishnan, Additional Public



Prosecutor would submit that the petitioner is arrayed as A1 in this case and A2 is still absconding. He would further submit that the investigation is at initial stage and the grounds raised by the petitioner is 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.45 of 2020. However, the first respondent/Police is directed to complete further investigation and unearth several other documents in this case.

8. Accordingly, this Criminal Original Petition is Closed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Inspector of Police,
Team CCB-I, EDF-II,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4205 of 2022
and Crl.M.P.No.2109 of 2022

MT(CO)
RGA(18/03/2022)