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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5406 of 2022

and

Crl.M.P.No.2936 of 2022

J.Shekar

...Petitioner/Accused No.1

-Vs-

1.The State Represented by the
Inspector of Police,
K9 Thiru-vi-ka Nagar Police Station,
Chennai.

..Respondent/Respondent

2. Kalaiarasu

...Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records and quash the F.I.R No.885 of 2019 dated 24/10/2019 under Section 420, 465, 468 and 471 of IPC pending on the file of the Inspector, K9 Thiru-vi-ka Nagar Police Station, Perambur, Chennai.

For Petitioner :Mr.G.Palani

For R1 :Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 :No Appearance

O R D E R

This Criminal Original Petition has been filed to call for the records in F.I.R No.885 of 2019 on the file of the Inspector, K9 Thiru-vi-ka Nagar Police Station, Perambur, Chennai and quash the same.

2. The petitioner stands accused of committed offence punishable under Sections 420, 465, 468 and 471 of IPC, on the



basis of the complaint lodged by the second respondent/de facto complainant.

3. Learned counsel for the petitioner would submit that based on the false complaint given by the de-facto complainant/R2, the first respondent had registered a case in Crime No.885 of 2019 against the petitioner on 24.10.2019. He would also submit that the petitioner is the tenant in the premises and he has obtained loan only from Equitas Small Finance Bank and he had not availed any loan from Punjab National Bank except handing over the necessary documents in favour of the liaison agent. He would further submit that the petitioner is innocent and he had been falsely implicated in this case. Hence, he prayed to quash the FIR.

4. Learned Additional Public Prosecutor would submit that the petitioner is the tenant in the premises. He would further submit that the petitioner had attempted to obtain loan from Punjab National Bank by furnishing fabricated documents. He would also submit that the investigation is pending and the grounds raised by the petitioner are factual in nature and without any legal points, the proceedings cannot be quashed.

5. At this juncture, the learned counsel for the petitioner would submit that the case is pending from the year 2019 and no action has been taken by the respondent police. Since it is a false case, the respondent is unable to file the final report even after three years.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent and perused the materials available on record.

7. It is seen from the First Information Report that there are specific allegation as against the petitioner, 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.

8. In view of the above, this Court is not inclined to quash the FIR in Crime No.885 of 2019. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is also closed. However, the



first respondent is directed to complete the investigation and file the final report as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ham/rgi
To

1. The Inspector of Police,
K9 Thiru-vi-ka Nagar Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.5406 of 2022
and CrI.M.P.No.2936 of 2022

SKM(CO)
SP(24/03/2022)