



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM

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

CRL.O.P.No.4764 of 2022

and

CRL.M.P.No.2509 of 2022

Appu @ Vignesh Sundar,
S/o.Sundar Natarajan

... Petitioner

Vs

1.The State Represented by,
The Inspector of Police,
Bagayam Police Station,
Vellore District, Tamil Nadu.

2.Krishna Veni,
W/o.Jaganathan

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case pending investigation in Crime No.389 of 2021 on the file of the respondent police and quash the same as against the petitioner.

For Petitioner : Ms.S.Praveennath

For Respondents :

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed, to call for the records pertaining to the case pending investigation in Crime No.389 of 2021 on the file of the respondent police and quash the same as against the petitioner.

2. The case of the prosecution is that on 17.10.2021, the petitioner herein was busting crackers near the second



respondent/defacto complainant's house. Immediately, the second respondent/defacto complainant questioned and warned the petitioner not to bust any crackers near her house, due to this a small quarrel took place between both the parties. Later on 19.10.2021, the petitioner entered into the house of the second respondent/defacto complainant and attacked the second respondent/defacto complainant and her mother-in-law using hands and using with iron pipe and threatened them with dire consequences. Thereafter, they were admitted to Adukkamparai Government Hospital, Vellore and the statement was recorded on 21.10.2021 and a case in Crime No.389 of 2021 was registered under Sections 294 (b), 323, 324 and 506(ii) of IPC against the petitioner.

3. The learned Counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged in the First Information Report. Without any base, on 21.11.2021, the first respondent police registered a case as against the petitioner in Crime No.389 of 2021 for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC. Hence he prayed to quash the same.

4. The learned counsel for the petitioner would further submit that there are no witnesses to prove that the petitioner has involved in the alleged offence took place and even if we assume, there is no explanation in the FIR for the belated complaint, since it is alleged that the said incident took place on 19.10.2021.

5. The learned Government Advocate (criminal side) would submit that investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

6. Heard both sides 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. Further, it cannot be quashed in 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. With the above observations, this Criminal Original Petition is dismissed. However, a direction is issued to the first respondent to complete the investigation in Crime No.389 of 2021 within a period of three months and file a final report before the Trial Court. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
Bagayam Police Station,
Vellore District, Tamil Nadu.

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4764 of 2022

KV(CO)
CB(21/03/2022)