



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4958 of 2022

and Crl.M.P.No.2607 of 2022

M.Saravana Selvam

...Petitioner/Accused No.3

Vs.

1.The State represented by
The Inspector of Police,
District Crime Branch,
Coimbatore.

(Crime No. 28/2021)

... 1st Respondent/ Complainant

2.K.Surya Kumar

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the Crime No.28 of 2021, on the file of the first respondent police and to quash the same as far as the petitioner is concerned.

For Petitioner : Mr.I.Abrar Mohamed Abdullah
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 quash the FIR in Crime No.28 of 2021, on the file of the first respondent police as against the petitioner.

2.The learned counsel appearing for the petitioner would submit that the petitioner is a foreman of MARGADARSI CHITS PVT LIMITED, Coimbatore branch, the defacto complainant is one of the subscribers and he had given his parents in-law's property as security to A1 & A2. Other than conducting the chit, the petitioner is not connected with the acts of A1 & A2 and if at all any action that can be taken against the petitioner, it may be only under the "Chit Funds Act, 1982". Further, he would submit that the petitioner did not commit any offence as alleged



in the impugned FIR. Without any base, the first respondent police has registered a case as against the petitioner in Crime No. 28 of 2021, for the offences under Sections 406, 420 and 34 of IPC. Hence, he prays to quash the same.

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3. At this juncture, the learned Additional Public Prosecutor appearing for the first respondent would submit that the investigation is at the initial stage. He would submit that the petitioner is the person, who has introduced the defacto complainant to A1 & A2 and on the instructions of the petitioner, the defacto complainant has given his parents in-law's property as security to the A1 & A2. Further, he would submit that the investigation will be completed and the final report will be filed at the earliest possible and hence, he prays for dismissal of this petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent. Perused the materials available on record.

5. 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.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 28 of 2021, however, a direction is given to the first respondent police to complete the investigation and file final report before the concerned Court at the earliest possible preferably within a period of two months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition stands disposed of with the aforesaid direction. Consequently, connected miscellaneous petition stands closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



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To

1.The Inspector of Police,
District Crime Branch,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.I.Abrar Mohamed Abdullah, Advocate sr 14929.

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