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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.4729 OF 2022
AND
CRL.M.P.NO.2477 OF 2022

Arulraj,
S/o.Devadoss ... Petitioner

Vs

1. The State Represented by
   The Inspector of Police,
   F-2 Egmore Police Station,
   Chennai.
   (Crime No.769 of 2021)

2. Dinesh,
   S/o.Chellappan ... Respondents

PRAYER:

Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records pursuant to the FIR in Crime No.769 of 2021 on the file of the first respondent and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.V.Prabhu
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 entire records pursuant to the FIR in Crime No.769 of 2021 on the file of the first respondent and quash the same.

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2. The learned counsel for the petitioner would submit that a false complaint has been given by the defacto complainant to recover the money. An incident which has not happened has been projected as a real incident and a false complaint has been filed and thereby he would pray to quash the FIR.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent would submit that the grounds raised by the petitioner are factual in nature, the case has been registered very recently on 28.12.2021 and investigation in this case is in final stage. Hence, he prayed for dismissal of this petition.

4. Heard both sides and 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.769 of 2021. Accordingly, this criminal original petition is dismissed. Further the first respondent is directed to complete the investigation and file a final report before the concerned Court as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb

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To

1. The Inspector of Police,
   F-2 Egmore Police Station,
   Chennai.

2. The Public Prosecutor,
   High Court of Madras.

+1cc to Mr.V.Prabhu, Advocate, S.R.No.14515

Crl.O.P.No.4729 of 2022
and Crl.M.P.No.2477 of 2022

BP(CO)
PM/21/03/2022

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