



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3977 of 2022

and

Crl.M.P.No.1937 of 2022

A.Karthick

... Petitioner

Vs.

1. The State Represented By,
The Inspector of Police,
Siruvalur Police Station,
Erode District.
(Crime No. 78 of 2021).

2. Rajesh

... Respondents

PRAYER: The Criminal Original Petition filed under Section 482 of Code of Criminal Procedure pleaded to call for the records in Crime No.78 of 2021 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petition has been filed to call for the records in Crime No.78 of 2021 on the file of the 1st respondent police and quash the same.

2. Learned counsel for the petitioner would submit that the petitioner is innocent and a false complaint has been given against the petitioner due to money dispute between the petitioner and the defacto complainant. He would further submit that even as per the complaint, there was money disputes pending between the petitioner and the defacto complainant and the complaint has been given only to take vengeance the present petition has been filed.



3. Learned Additional Public Prosecutor would submit that though it is submitted that there were money disputes between the parties, the petitioner, on 15.04.2021, at 10.15 a.m., has misbehaved with the wife of the defacto complainant and pulled her T-Shirt. On seeing that, the defacto complainant prevented the petitioner, then, the petitioner had assaulted him with the key on the ear, neck and stomach causing injuries and he had also kicked on the private part of the defacto complainant and the defacto complainant had taken treatment in the hospital. He would also submit that the said incident has been witnessed by the persons around and they have also named the petitioner in the FIR and he would reiterate that the grounds raised by the petitioner are factual in nature.

4. Heard the learned counsel 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. 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.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 78 of 2021. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed. Further, direction is issued to the first respondent police to complete the investigation and file the final report within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rgi/ham



To

1. The Inspector of Police,
Siruvalur Police Station,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Myilsamy, Advocate SR.No.12169

CrI.O.P.No.3977 of 2022
and
CrI.M.P.No.1937 of 2022

RSI (CO)
GN(16/03/2022)