



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.5610 OF 2022

M.Venkatesh

... Petitioner/Accused No.1

Vs.

1. The State Represented by,
The Inspector of Police (Crime),
S-6, Sankar Nagar Police Station,
Pammal, Chennai-75.

... 1st Respondent/Complainant

2. Radhika

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in Crime No.1644 of 2016 on the file of the first Respondent Police and quash the same as illegal and incompetent by allowing the present Criminal Original Petition.

For Petitioner : Mr.V.Jai Hari Sudhan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

For R2 : No Appearance

O R D E R

The Criminal Original Petition has been filed to call for the records in Crime No. 1644 of 2016 on the file of the first respondent and quash the same.

2. The petitioner stands accused of committed offence punishable under Sections 406, 420 and 506(1) 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 the de-facto complainant herself handed over the car to the petitioner, based on which it was transferred to the third party. The petitioner had also paid an amount of Rs.2,50,000/- to the de-facto complainant. Hence, he prayed to quash the FIR.

4. Learned Additional Public Prosecutor would submit that the de-facto complainant's husband had purchased a car and he was unable to pay the dues. The petitioner along with the other accused induced the husband of the de-facto complainant and on the promise of paying entire amount to the financier, they had taken the car. Later they have absconded and 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. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent and perused the materials available on record.

6. 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.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.1644 of 2016. 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 six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ham/rgi



To

1. The Inspector of Police,
S-6, Sankar Nagar Police Station,
Pammal,
Chennai-75.

2. The Public Prosecutor,
High Court of Madras.

+2ccs to M/s.V.JaiHariSudhan, Advocate, S.R.No.17466

Cr1.O.P.No.5610 of 2022

SKM(CO)
RLP(22/03/2022)