



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.3886 of 2022
and Crl.M.P.No.1884 of 2022

1. P.K.Raja
2. P.Raghu
3. R.Shanthi

...Petitioners/Accused 1 to 3

Vs.

- 1.The State Represented By,
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
(Crime No. 45 of 2022).

...Respondent/Complainant

- 2.M.Selvaraj

...Respondent/Defacto Complainant

PRAYER: The Criminal Original Petition filed under Section 482 of Code of Criminal Procedure pleaded to call for the records relating to the Crime No.45 of 2022 on the file of the Inspector of Police, Chinnasalem Police Station, Kallakurichi and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.D.Vijaya Babu

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petition has been filed seeking to call for the records relating to the Crime No.45 of 2022 on the file of the Inspector of Police, Chinnasalem Police Station, Kallakurichi and quash the same by allowing this Criminal Original Petition.

2. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that even as per the complaint, the defacto complainant was running a hotel in the premises belonging to the petitioners and that the business did not go on well, the defacto complainant had vacated



the hotel and asked for return of Rs.2,00,000/- from the petitioners and it is the further case, on 01.02.2022, the defacto complainant gone to the house of the petitioners and at that time, the accused is stated to have assaulted the defacto complainant. He would also submit that though, the incident had taken place on 01.02.2022, the complaint has been preferred to the first respondent only on 04.02.2022, i.e., only in order to circumvent the process of civil law, a false complaint has been given by the defacto complainant.

3. Per contra, learned Additional Public Prosecutor would submit that the case is at the initial stage of investigation. As per the complaint given by the second respondent in Crime No.45 of 2022 on 04.02.2022, the accused have assaulted the defacto complainant with an iron rod on his hip and back, due to which he suffered serious injuries. He would also submit that the injuries were also supported by medical evidence. Further, he would submit that a counter case in Crime No.46 of 2022 was registered by the first respondent, based on the complaint given by the first petitioner and the first respondent/Police has been conducting investigation in a fair manner in both the cases.

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 petitioners, 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. 45 of 2022. Accordingly, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed. Further, direction is issued to the first respondent police to complete the investigation in both the cases and file the final report within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



rgi/ham

To

1.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.D.Vijaya Babu, Advocate SR. No.11789

Cr1.O.P.No.3886 of 2022
and
Cr1.M.P.No.1884 of 2022

SRA (CO)
PR (04/03/2022)