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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4185 of 2022
and Crl.M.P.No.2085 of 2022

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... Petitioner

Vs.

1. The State Represented By,
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No. 654 of 2021)

2. N.Karthick,
Sub-Inspector of Police,
Omalur Police Station,
Omalur Town and Taluk,
Salem District.

... Respondents

PRAYER: The Criminal Original Petition filed under Section 482 of Code of Criminal Procedure pleaded to call for the records pertaining to the proceeding in Cr.No.654 of 2021 on the file of the Omalur Police Station, Salem and quash the same.

For Petitioner : Mr.T.Ganesan

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petition has been filed seeking to call for the records pertaining to the proceeding in Cr.No.654 of 2021 on the file of the Omalur Police Station, Salem and quash the same.

2. Learned counsel appearing for the petitioner would submit that while the second respondent/defacto complainant, who is the Sub-Inspector of Police, Omalur Police Station, Salem, was on patrol, found two men and one woman in a suspicious



circumstances. On seeing the police, they attempted to run away from the place and the second respondent apprehended one man and the woman, the other man had escaped from the place. While searching, they found that the accused persons were in possession of Twenty banned Kerala Lotteries and a sum of Rs.14,400/-. The respondent police registered a suo-motto FIR on 20.08.2021, for the offences under Section 7(1), 7(3) of Lotteries Act and Section 420 of IPC against the accused persons. He would further submit that the petitioner/A2 is a college student. There are several cases pending against the father of the petitioner and thereby, the respondent police in order to curtail his father had falsely implicated the petitioner in this case. The F.I.R., is nothing but an abuse of process of law and he would seek for quashing the F.I.R.

3. Learned Additional Public Prosecutor would submit that the grounds raised by the petitioners are factual in nature. He would further submit that it is the case where the petitioner/A2 and petitioner's mother/A1 were found to be in possession of Twenty banned Kerala Lottery tickets and that an amount of Rs.14,400/- was also recovered from their possession. Based on the complaint given by the second respondent/Sub-Inspector of Police, Omalur Police Station, Salem, a case was registered in Crime No. 654 of 2021 and investigation is going on and the final report will be filed soon.

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. The grounds raised are factual in nature.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 654 of 2021. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed. Further, the first



respondent police is directed to investigate the case in Crime No. 654 of 2021 and file the final report as expeditiously as possible, preferably within a period of three months from today.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No. 654 of 2021)
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.4185 of 2022
and Crl.M.P.No.2085 of 2022

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srg 04/03/2022