



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7177 of 2022
and Crl.M.P.No.4247 of 2022

1. Fakkir Mohamed
2. M.Sakthivel

... Petitioners

Vs.

1. The State Represented by,
The Superintendent of Police,
Tiruvallur District, Tiruvallur.
2. The State Represented by
The Inspector of Police,
Taluk Police,
Tiruvallur.

3. M.Kasthuri

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records culminated in Crime No.467 of 2018 on the file of the 2nd respondent and quash the same.

For Petitioners : Mr.K.Rajan
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to call for the records culminated in Crime No.467 of 2018 on the file of the 2nd respondent and quash the same.

2. Learned counsel for the petitioners would submit that the allegations as per the defacto complainant is that two unknown persons have called her from mobile numbers 9444431974 and 9498821548 and had abused her by filthy words. The respondent during investigation could not trace out the unknown accused, who had made the intimidating and abusive phone calls from the above phone numbers and that the respondent have implicated the petitioners. He would submit that the 1st petitioner is running mobile accessories and recharge shop and the 2nd petitioner is



working as a sales man under one of Distributor of the Public Sector Undertaking, BSNL. He would further submit that the petitioners are innocent persons and they are falsely implicated in this case due to enmity. He would also submit that the 2nd respondent without conducting any preliminary enquiry, registered a case against the petitioners.

3. Learned Additional Public Prosecutor would submit that the grounds raised by the petitioners are factual in nature and the 1st petitioner, who is running mobile accessories and recharge shop and the 2nd petitioner, who is working as a sales man under one Distributor of the Public Sector Undertaking, BSNL had obtained two mobile numbers using fake credentials and through those numbers, they had abused and intimidated the defacto complainant. He would further submit that there are sufficient materials to file charges against the petitioners and the petitioners have not made out any legal grounds to quash the FIR.

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. 467 of 2018. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.



2. The Inspector of Police,
Taluk Police,
Tiruvallur.

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3. The Public Prosecutor,
High Court of Madras.

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GPL (CO)
CT 19/04/2022