



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

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CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5452 of 2022

K.Harish

... Petitioner/Accused

Vs

1.The State rep by

The Sub-Inspector of Police,
T3- Korattur Police Station,
Chennai.

... 1st Respondent/Complainant

2.Priyadharshini

... 2nd Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the proceedings in Crime No.1209 of 2021 pending on the file of 1st respondent Police and quash the same.

For Petitioner : Mr.R.Mohandoss for
M/s.Swaminathan Law Associates

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1
No appearance for R2

O R D E R

This Criminal Original Petition has been filed seeking to call for the records in Crime No.1209 of 2021 pending on the file of 1st respondent Police and quash the same.

2.The learned counsel appearing for the petitioner would submit that even as per the First Information Report the earlier complaint was given by grand-father of the de-facto complainant/ 2nd respondent herein on 30.10.2021 and he would submit that as per Section 78 of the Immoral Traffic Act, the offences can be investigated only by a Police Officer not below the rank of Inspector. Registration of the case by the Sub-Inspector of



Police is illegal and thereby, he would seek to quash the proceedings.

3.The learned Additional Public Prosecutor would submit that the case has been registered based on the complaint given by the 2nd respondent and the investigation is at the initial stage. The grounds raised by the petitioners are factual in nature. He would further submit that though a case has been registered by the Sub-Inspector of Police, the investigation is being done by the Officer in the rank of Inspector of Police. He would further submit that this is a case where the petitioner had sent obscene and abusive messages to the de-facto complainant and he would oppose for quashing the proceedings.

4.Heard both sides 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. Further, it cannot be quashed in 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.1209 of 2021. Accordingly, this criminal original petition is dismissed. Further, the first respondent is directed to complete the investigation and file a final report before the concerned Court as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Vkr

To

1.The Sub-Inspector of Police,
T3- Korattur Police Station,
Chennai.



2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Swaminathan, Advocate SR.No.16207

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Cr1.O.P.No.5452 of 2022

PMK (CO)
GN (28/03/2022)