



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

WEB COPY

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5590 of 2022

and

Crl.M.P.No.3090 of 2022

Karthikeyan ... Petitioner/Accused (A1)
Vs.

1. State by,
Inspector of Police,
Perambalur Police Station,
Perambalur District. ... Respondent/Complainant
(Crime No.239 of 2017)

2. Ramadash ... Respondents/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in Crime No.239 of 2017 on the file of the first respondent viz., Inspector of Police, Perambalur Police Station, Perambalur District in so far as this petitioner concerned and quash the same.

For Petitioner : Mr.M.R.Elavarasan

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.239 of 2017 on the file of the first respondent and quash the same.

2. The petitioner stands accused of committed offence punishable under Sections 270, 417, 420, 508 and 174 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 petitioner is innocent and he had been falsely implicated in this case. He would also submit that the complaint has been given by the de-facto complainant/R2 against the petitioner and another, only on suspicion and the petitioner is not the resident of the house. Hence, he prayed to quash the FIR.

4. Learned Additional Public Prosecutor would submit that the based on the complaint given by the de-facto complainant/R2, a case in Crime No.239 of 2017 was registered by the first respondent against the petitioner and another on 10.03.2017, for performing black magic using human skull and dead body at

their residence. He would further submit that 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.239 of 2017. 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(CCC)

//True Copy//

Sub Assistant Registrar

ham/rgi



To

1. The Inspector of Police,
Perambalur Police Station,
Perambalur District.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.R.Elavarasan, Advocate SR.No.17183

Cr1.O.P.No.5590 of 2022
and
Cr1.M.P.No.3090 of 2022

SKM(CO)
GN(24/03/2022)