



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6758 of 2022

and

Crl.M.P.No.3860 of 2022

S.Ghousebasha

...Petitioner

Vs.

1.The State rep by

The Inspector of Police,
Erode Railway Police Station,
Chennai Railways,

Crime No.103 of 2021

2.S.Xayier

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in Crime No.103 of 2021 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.K.Siva

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor for R1

O R D E R

The Criminal Original Petition has been filed to call for the records in Crime No.103 of 2021 and quash the same.

2.The learned counsel appearing for the petitioner would submit that the petitioner along with his friend were travelling in Train No.06072, Dadar Express from Tirunelveli to Coimbatore. The 2nd respondent/de-facto complainant was found that the petitioner was accompanying with a 45 years old man along with him and when the defacto complainant came into the D1 Coach for verifying the tickets, the defacto complainant found that the ticket of the petitioner disclosed the age of the accompanying person as 18. The petitioner has paid the fine as levied by the 2nd respondent/de-facto complainant. There was a quarrel between the petitioner and the 2nd respondent, due to the said quarrel, the 2nd respondent has registered a false case in Crime No.103 of 2021 for the offence under Sections 294(b) and 332 of IPC.



3.The learned Additional Public Prosecutor would submit that the petitioner along with 45 years old man were travelling in Dadar Express. However, the age of the co-passenger was shown as 18 in the ticket, when it was questioned by the de-facto complainant, the petitioner made quarrel with him and thereafter, he paid the fine. After some time, the defacto complainant came to the same compartment, the petitioner dashed on the de-facto complainant and assaulted him. He would further submit that the case has now been transferred to the Karur Railway Police Station on the point of jurisdiction.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the 1st respondent and perused the entire materials available on record.

5.This Court is of the opinion that the petitioner has not made out any valid ground for quashing the proceedings in Crime.No.103 of 2021. All the grounds raised are factual in nature and they can be raised at the relevant stage of trial.

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.Accordingly, this Criminal Original Petition is dismissed. However, this Court directs the Karur Railway Inspector, Karur District to complete the investigation as expeditiously as possible and file the final report preferably within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



1. The District Public Prosecutor,
Salem District,
Salem.

2. The Karur Railway Inspector
Karur District

3. The Inspector of Police
Erode Railway Police Station

4. The Public Prosecutor,
High Court of Madras

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SKM(CO)
SP(29/04/2022)