



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.6233 of 2022 and
Cr1.M.P.No.3585 of 2022

Premkumar ...Petitioner/Accused (A2)

-Vs-

1.The State by,
Inspector of Police,
Elephant Gate Police Station,
Chennai.
Crime No.1242 of 2021. ...Respondent/Complainant

2.Karthi Ganesh ...Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records and quash the FIR as against the petitioner/Accused (2) in Crime No.1242 of 2021 pending investigation on the file of the Inspector of Police, Elephant Gate Police Station, Chennai.

For Petitioner : Mr.M.Udhayakumar

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 to call for the records and quash the FIR as against the petitioner/A2 in Crime No.1242 of 2021 pending investigation on the file of the Inspector of Police, Elephant Gate Police Station, Chennai.

2.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that it is a very peculiar to note that the said Vignesh who is alleged to have aggrieved has not preferred any compliant. Instead of that, a stranger who is stated to be a higher official had given the said compliant, which creates a doubt and suspicious. No explanation has been given by the defacto complainant as to why the said Vignesh has not come forward to give a complaint.



3. The learned Additional Public Prosecutor would submit that investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

4. Heard the counsel for the petitioner and the learned Additional Public Prosecutor for first respondent 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.1242 of 2021. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further, the first respondent is directed to complete the investigation and file final report before the concerned Court within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1.The Inspector of Police,
Elephant Gate Police Station, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Udhayakumar, Advocate SR. No.19250

Crl.O.P.No.6233 of 2022 and
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SKM (CO)
PR (08/04/2022)