



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5404 of 2022

and

Crl.M.P.No.2935 of 2022

R.Sangeetha,

... Petitioner/Accused 2

Vs

The State Represented by
The Inspector of Police,
J-3, Guindy Police Station,
Chennai.

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the Records and quash the F.I.R in Crime No.75 of 2022 pending investigation on the file of the Respondent Police and pass necessary orders.

For Petitioner	:	Mr.M.Thirumalai
For Respondent	:	Mr.A.Gokulakrishnan Additional Public Prosecutor
For Defacto Complainant	:	Mr.Mohamed Riyaz

ORDER

This Criminal Original Petition has been filed, to call for the Records and quash the F.I.R in Crime No.75 of 2022 pending investigation on the file of the Respondent Police.

2. The learned counsel appearing for the petitioner would submit that the name of the petitioner does not find place in the FIR. He would further submit that the petitioner was later arrested and that there is no recovery in this case and thereby he would seek to quash the proceedings as against the petitioner.

3. The learned Additional Public Prosecutor appearing for



the respondent would submit that the grounds raised by the petitioner are factual in nature. He would further submit that the petitioner along with other accused have ransacked the Office of the defacto complainant and taken away all the belongings of the defacto complainant's Office. The petitioner is also a co-accused and he would further submit that the investigation is in premature stage and hence, he prayed for dismissal of this petition.

4. Mr.Mohamed Riyaz, learned counsel appearing for the defacto complainant would submit that the investigation in this case is at initial stage merely because the name of the petitioner does not find a place in the FIR, the FIR cannot be quashed. In support of his submission, he would rely on the decision of the Hon'ble Apex Court in Hukum Chand Garg and another Vs The State of Uttar Pradesh & Others in SLP.No.762 of 2020 dated 13.01.2020. The relevant portion is extracted below:-

" The petitioners had filed petition for quashing of Case Crime No.540 of 2019 registered at P.S.Hazratganj, District Lucknow, Uttar Pradesh.

2. It is not in dispute that the petitioners have not been named as accused in the said crime. If the petitioners have not been named as accused in the said crime, the question of quashing of stated FIR or the case now under investigation by the Central Bureau of Investigation (CBI) arising from the said crime, does not arise as the petitioners will have no locus to seek such a relief.

3. In other words, the petitioners not being named as accused in the said crime or the case now registered by the CBI on the basis of the said crime, cannot be permitted to ask for quashing of the proceedings concerning some other person (accused)."

5. Heard both sides and perused the materials available on record.

6. Though the name of the petitioner is not found in the FIR, the FIR is not an encyclopedia and it need not contain all facts. It cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence in respect of breaking open office and committing theft of valuable articles, 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. With the above observations, this Criminal Original Petition is dismissed. However, a direction is issued to the respondent police to complete the investigation in Crime No.75 of 2022 within a period of three months and file a final report before the Trial Court. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Inspector of Police,
J-3, Guindy Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.5404 of 2022
and Crl.M.P.No.2935 of 2022

MG (CO)
SU (28/03/2022)
SU (30/03/2022)