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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

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

Crl.O.P.No.7031 of 2022

and

Crl.M.P.No.3601 of 2022

V.Sathish Kumar,
S/o.Veerappan

... Petitioner

Vs

1. The State represented by,
The Inspector of Police,
M-5 Ennore Police Station,
Thiruvallur District.

2. M.Vadivel,
S/o.Mariappan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to call for the entire records in pursuant to the Crime No.772 of 2019 on the file of M-5 Ennore Police Station, Chennai and quash the entire proceedings against the petitioner herein in Crime No.772 of 2019 on the file of M-5 Ennore Police Station, Chennai.

For Petitioner : Mr.M.Manimaran

For Respondents:

For R1 : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

Mr.A.Gokulakrishnan, learned Additional Public Prosecutor takes notice on behalf of the first respondent.

2. The learned counsel for the petitioner would submit that the first respondent has foisted a false case against the petitioner. It is a case of the prosecution that the petitioner had attempted to rob from one Vadivel. But there is no such person named Vadivel at No.7C, 1st Street, Ramamoorthy Nagar, Ennore, Chennai - 57.

3. The learned Additional Public Prosecutor for the first respondent would submit that the grounds raised by the petitioner are factual in nature. He would further submit that



based on the complaint of one Vadivel, S/o.Mariappan, the case has been registered. He would further submit that the petitioner is a habitual offender and there are several cases pending against the petitioner.

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4. At this juncture, the learned counsel for the petitioner would submit that he is not pressing to quash the petition. He would only seek a direction may be issued to the first respondent to complete the investigation in Crime No.772 of 2019 and file a final report at the earliest.

5. Heard both sides 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. 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.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.772 of 2019. Hence, a direction is issued to the first respondent to complete the investigation in Crime No.772 of 2019 and file a final report before the concerned Court as expeditiously possible, preferably, within a period of four months from the date of receipt of a copy of this order.

8. This Criminal Original Petition is dismissed with the above observations. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Inspector of Police,
M-5 Ennore Police Station,
Thiruvallur District.



2. The Public Prosecutor,
High Court of Madras.

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CrI.O.P.No.7031 of 2022
and CrI.M.P.No.3983 of 2022

JP (CO)
CT 11/04/2022