



CrI.M.P.No.3853 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

CrI.M.P.No.3853 of 2022

in

CrI.O.P.No.22172 of 2021

V.E.Arul,
S/o.Ethiraj

... Petitioner

Vs

1.The Inspector of Police,
SH 58, Arakkonam Town Police Station,
Arakkonam, Ranipet – 631 001.

2.Thulasi,
W/o.Karunakaran

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., pleaded, to grant Interim stay of all further proceedings FIR in Crime No.296 of 2021 on the file of the first respondent pending above Criminal Original petition.

For Petitioner	: Mr.S.Sivanandham
For Respondent	:
For R1	: Mr.A.Gokulakrishnan Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Miscellaneous Petition has been filed, to grant Interim stay of all further proceedings FIR in Crime No.296 of 2021 on the file of the first respondent pending above Criminal Original petition.

2. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are living in the same street. The defacto complainant and her husband have encroached upon a private property and they are preventing the discharge of domestic waste in a proper manner. Since the petitioner being the Sub-Inspector in the Survey Department had initiated action against the defacto complainant and due to that there was enmity between the defacto complainant's family and the petitioner's family, due to which, a false complaint has been given.

3. The learned counsel for the petitioner would further submit that earlier the second respondent had given a complaint against the petitioner which was registered in Crime No.82 of 2021. The respondent police after conducting due enquiry had referred the case as "Mistake of Fact". Even after the enquiry, the second respondent had repeatedly harassed



the petitioner and a false complaint has been given.

4. The learned Additional Public Prosecutor would submit that the case has been registered on 05.07.2021. He would submit that it is a case and case in counter. He would further submit that earlier the respondent police have conducted a fair enquiry and have closed the case as "Mistake of Fact". As far as the case in Crime Nos.296 and 321 of 2021 are concerned only after conducting a preliminary enquiry both cases have been registered. He would further submit that the grounds raised by the petitioner are factual in nature. He would further submit that the respondent police will take into consideration the materials furnished by the petitioner and will conduct enquiry in both the cases in Crime Nos.296 and 321 of 2021 and will file the 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.



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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, the grounds raised by the petitioner are factual in nature. However, it is seen that the petitioner has furnished certain materials to show that the complaint is a motivated one. This Court cannot conduct a detailed enquiry with regard to the documents submitted by the petitioner. The respondent police is directed to look into the documents and complete the investigation and file a final report, as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

8. This Criminal Miscellaneous Petition is disposed of.

31.03.2022



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Index : Yes/No

Internet : Yes/No

Speaking/Non-speaking order

rgm/arb

To

1.The Inspector of Police,
SH 58, Arakkonam Town Police Station,
Arakkonam, Ranipet – 631 001.

2.The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.

rgm/arb



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