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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.6181 OF 2022
AND CRL.MP.NO.3471 OF 2022

Bharani Kumar

...Petitioner/
Accused No.1

-Vs-

1. State rep by,
The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District.
Crime No.85 of 2022.

... Respondent/
Complainant

2. Raja

..Respondent/
Defacto Complainant

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in pertaining to the FIR registered in Crime No.85 of 2022 on the file of the Inspector of Police, B-1, Sivakanchi Police Station, Kancheepuram District and quash the same.

For Petitioner : Mr.S.Joel

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1
No appearance for R2

O R D E R

This petition has been filed seeking to call for the records in pertaining to the FIR registered in Crime No.85 of 2022 on the file of the Inspector of Police, B-1, Sivakanchi Police Station, Kancheepuram District.



2. The learned counsel for the petitioner would submit that the petitioner was falsely implicated in this case, he would further submit that the petitioner was arrested on 28.01.2022 and case has been registered only subsequently. He would submit that it is absolutely a false case. Without any base, the first respondent police registered a case as against the petitioner in Crime No. 85 of 2022 for the offences under Sections 341, 294 (b), 323, 324, 506(ii) and 307 of IPC. Hence he prayed to quash the same.

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. 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. 85 of 2022. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further, the respondent is directed to look into the materials submitted by the petitioner and 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

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District.



2. The Public Prosecutor,
High Court, Madras.

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CrI.O.P.No.6181 of 2022
and CrI.MP.No.3471 of 2022

SKM(CO)
PM/30/03/2022