



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P. NO.6920 OF 2022
AND CRL.M.P.NO.3927 OF 2022

Anbarasan

... Petitioner/
Accused

vs.

1. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
Crime No.191 of 2019

2. Pushpavalli

... Respondents/
Respondents Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.349 of 2019 on the file of the learned Judicial Magistrate No.II, Panruti, Cuddalore District and quash the same.

For Petitioner : Mr.G.P.Sivakumar

For Respondents : Mr.V.Meganathan
Government Advocate for R1

ORDER

This petition has been filed seeking to call for the records in C.C.No.349 of 2019 on the file of the learned Judicial Magistrate No.II, Panruti, Cuddalore District and quash the same.

2.The learned counsel appearing for the petitioner would submit that taking into consideration the entire materials on record, no other specific overt act is attributed against the petitioner. He would further submit that the petitioner was not at all the present at the alleged scene of occurrence and the



petitioner has been arrayed as A1 in the First Information Report and later at the time of filing the final report, he has been arrayed as A2. He would further submit that due to previous enmity, a false complaint has been foisted against the petitioner.

3.The learned Additional Public Prosecutor would submit that it is the case where the petitioner along with other accused assaulted the de-facto complainant with deadly weapons, due to which, the de-facto complaint has sustained injuries. He would further submit that the grounds raised by the petitioner are factual in nature.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the 1st respondent and perused the entire materials available on record.

5.This Court finds that there are materials available as against the petitioner and thereby, the proceedings cannot be interdicted when there are materials available. There is no merit in the petition.

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. Therefore, it cannot be quashed on 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.Accordingly, this Criminal Original Petition stand dismissed. However, this Court directs the learned Judicial Magistrate No.II, Panruti, Cuddalore Districct, to commit C.C.No.349 of 2019 as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vkrr



To

1. The Judicial Magistrate No.II,
Panruti, Cuddalore District.
2. Do-thro The Chief Judicial Magistrate,
Cuddalore District.
3. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.6920 of 2022
and Crl.M.P.No.3927 of 2022

SKM(CO)
PM/22/04/2022