



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7863 of 2022 and
Cr1.M.P.No.4564 of 2022

Sakthivel

...Petitioner/Accused 1

-Vs-

1.State by:

The Inspector of Police,
Andhiyur Police Station,
Erode District.
Cr.No.396 of 2019.

..1st Respondent/Complainant

2.Durai

..2nd Respondent/ Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in the Cr.No.396 of 2019 pending on the file of the Inspector of Police, Andhiyur Police Station, Erode District and to quash the same.

For Petitioners : Mr.N.Sudharsan
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.

O R D E R

This Criminal Original Petition has been filed to call for the records in the Cr.No.396 of 2019 pending on the file of the Inspector of Police, Andhiyur Police Station, Erode District and to quash the same.

2.The learned counsel for the petitioner would submit that the petitioner has been implicated only based on the confession statement of the co-accused. He would submit that no recovery has been made from the petitioner and the proceedings pending against the petitioner is an abuse of process of law.

3.The learned Additional Public Prosecutor would submit that on complaint of Durai, one Samiyar @ Ravi @ Mahendran had attempted to give fake note for getting change, he had given a complaint against Samiyar @ Ravi @ Mahendran, based on the complaint he was arrested and he has confessed that the petitioner has given the fake notes for circulation.



4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and 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.396 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police is directed to complete the investigation and file final report before the concerned Court within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jas/tsh
To

1. The Inspector of Police,
Andhiyur Police Station,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Sudharsan, Advocate Sr.NO. 24053

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RSI (CO)
A.SK(20/04/2022)