



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8422 of 2022

and

Crl.M.P.No.4917 of 2022

1.Nagaraj

2.Muraliraj

... Petitioners/Accused - 1 & 3

Vs.

1. The State represented by,

The Inspector of Police,

Fairlands Police Station, Salem City.

(Crime No.259 of 2021)

... Respondent/Complainant

2. Karthick

...Respondent/De-facto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to dispense with the production of certified copy of the FIR in Crime No.259 of 2021 on the file of the Inspector of Police, Fairlands Police Station, Salem City.

For Petitioners : Mr.E.P.Senniyangiri

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

O R D E R

This Criminal Original Petition has been filed to dispense with the production of certified copy of the FIR in Crime No.259 of 2021 on the file of the Inspector of Police, Fairlands Police Station, Salem City.

2.The case of the prosecution as per the defacto complainant is that on 27.06.2021 at about 04.00 p.m., when the defacto complainant viz., Karthick was on the way to his home from his



work, the accused along with others, who were standing near Periyaputhur Madura Garden Section Road, waylaid the defacto complainant and threatened him to kill if he does not give money. Subsequently, one Nagaraj snatched a sum of Rs.6,000/- from his pocket and when the defacto complainant raised alarm, the neighbours came there. At that time, the accused escaped from the spot by threatening the public by brandishing the knife. Hence, the case has been registered in Crime No.259 of 2021 for the offences under Sections 392 and 397 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent, whereas the police have instigated the defacto complainant and based on which the case has been registered. He would submit that the second respondent has stated that he has not given any such complaint as against the petitioner and thereby, he would seek to quash the proceedings.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioners are the habitual offenders and there are three previous cases pending against them. On the complaint given by the second respondent only a case has been registered against the petitioners for the offence under Sections 392 & 397 of IPC. He would further submit that there is a possibility that the petitioner would have threatened the defacto complainant and hence, they are now coming out with such submission. Further, he would submit that the investigation is in the initial stage.

5.Heard the learned counsel on either side and perused the materials available on record.

6.It is seen from the First Information Report that there are specific allegation as against the petitioners, 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.259 of 2021. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected



miscellaneous petition is also dismissed. However, the respondent police is directed to 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.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Dua/Nr

To

1. The Inspector of Police,
Fairlands Police Station,
Salem City.
2. The Public Prosecutor,
High Court, Madras.

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and
Crl.M.P.No.4917 of 2022

JP-II (CO)
SU(16/05/2022)