



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8387 of 2022
and Crl.M.P.No.4883 of 2022

G.Sundarrajan ... Petitioner/Accused 3

Vs.

1. The State Represented by,
The Inspector of Police,
Annadanapatty Police Station,
Salem. ...1st Respondent/Complainant
(Crime No.2212 of 2020)

2. V.Sathya ...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.2212 of 2020 on the file of the Inspector of Police, Annadanapatty Police Station, Salem and quash the same.

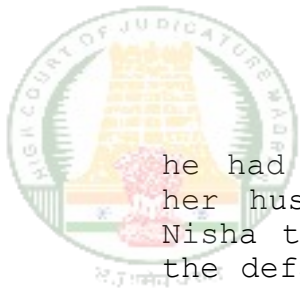
For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to call for the records relating to the FIR in Crime No.2212 of 2020 on the file of the Inspector of Police, Annadanapatty Police Station, Salem and quash the same.

2. The case of the prosecution as per the R2/defacto complainant Sathya is that her husband was a driver and that they belong to the Scheduled Caste Community and she has got two girl children aged 6 and 2 years respectively. While so, on 01.11.2020, she had delivered a third girl child and on 15.11.2020, her husband in the guise of taking her child to the relatives house, had gone out and thereafter, he did not bring back the child. When she had enquired him, he had informed her that it was difficult to bring up three girl children and that



he had handed it over to the relatives. Later, on 10.12.2020, her husband had confessed that he had sold the child to one Nisha through one Gomathi of Erode for Rs.1,15,000/- . Thereby, the defacto complainant had given a complaint to take action and secure her child. Based on the complaint, a case in Crime No.2212 of 2020 was registered by the respondent for offences under Section 363 of IPC and Sections 81 and 87 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he had been falsely arrayed as A3 in this case. He would further submit that the petitioner and his wife are childless couple and they have genuinely adopted the girl child from one Mariya Geetha believing that it was her child. Only, later the petitioner had come to know that the said Mariya Geetha had procured the child from the father of the child, after paying money. Thereby, he would seek to quash the proceedings in Crime No. 2212 of 2020.

4. Learned Additional Public Prosecutor would submit that the mother of the child, one Sathya had given a complaint stating that on 01.11.2020, she had given birth to a girl child. On 15.11.2020, her husband Vijay, in the guise of taking her child to the relatives place, had sold the child to one Gomathy, who in turn sold the child to one Nisha and the said Nisha had sold the child to one Mariya Geetha, from whom, the petitioner had procured the child after paying an amount of Rs.4,00,000/- (Rupees Four Lakhs only). He would further submit that the investigation is still pending and that originally the case was registered for the offence under Sections 363 of IPC and Section 81 and 87 of the Juvenile Justice (Care and Protection of Children) Act, 2015. However, later during the course of investigation, the case has been altered to one under Section 370(4) of IPC and Sections 81 and 87 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He would also submit that the grounds raised by the petitioner are factual in nature and it needs to be investigated. Hence, the FIR cannot be quashed at the initial stage. Further, he would submit that whether the adoption was genuine or not will be taken into consideration during the course of investigation.

5. Heard the learned counsel 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. 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. In view of the above, this Court is not inclined to quash the FIR in Crime No. 2212 of 2020. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed. Further, the first respondent police is directed to complete the investigation in Crime No. 2212 of 2020 and file the final report as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

rgi/ham

To

1. The Inspector of Police,
Annadanapatty Police Station,
Salem.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.Prabakaran, Advocate SR.No.26292

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MG (CO)
GMY (02/05/2022)