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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.OP.NO.8187 OF 2022

AND

CRL.MP.NO.4768 OF 2022

1.Sakkaravarthi
2.Harikrishnan
3.Jamuna
4.Radhakrishnan
5.P.Bakkiaraj

... Petitioners

Vs.

1. State by Inspector of Police,
Elavanasurkottai Police Station,
Villupuram District
(crime No.1631 of 2020)

2. Rajaram

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the First Information Report registered in Cr.No.1631 of 2020 on the file of the Inspector of Police, Elavanasurkottai Police Station/first respondent herein and quash the same.

For Petitioners : Mr.C.Munusamy

For Respondents
For R1

: Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This petition has been filed to quash the FIR in Crime No.1631 of 2020 on the file of the first respondent police as against the petitioners.



2. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and due to civil dispute pending between the parties, a false complaint has been filed since there is a long drawn civil dispute between the petitioners and the defacto complainant in respect of immovable property in survey Nos.52/1, 52/1A, 52/11, 122/17 and 14/13 situated at Ellaigramam, Elavanasurkottai, Kallakurichi District. He would further submit that the second petitioner has filed a civil suit in OS.No.246 of 2019 before the learned Principal District Munsif, Ulundurpet for declaration and permanent injunction. Instead of filing written statement, the second respondent / defacto complainant has preferred the false complaint. Hence, he seeks to quash the proceedings.

3.The learned Additional Public Prosecutor would submit that the petitioners have fabricated documents. He would further submit that the investigation is in the initial stage. The grounds raised are factual in nature and the proceedings cannot be interdicted ab initio. 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 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.

6. Further it seems that the grounds raised by the petitioners are factual in nature and they can be found out only during the course of investigation. However, the first respondent police is directed to complete the investigation and file final report before the concerned Court as expeditiously as possible preferably within a period of four weeks from today. The first respondent police shall take into consideration the pending litigation between the parties and the documentary evidences and file final report.



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7. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Elavanasurkottai Police Station,
Villupuram District
2. The Public Prosecutor,
High Court, Madras.

Cr1.OP.No.8187 of 2022

GMR(CO)
RLP(04/05/2022)