



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.8356 OF 2022

1. C.S.Kothandaraman

2. S.Chandra

... Petitioners

-Vs-

1. The State represented by,
Inspector of Police,
B-1, North Beach Police Station,
Chennai - 600 001.

2. Saibharathy

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records in Crime No.125 of 2021 dated 24.04.2021, pending on the file of the first respondent police and quash the same against this petitioners.

For Petitioners : Mr.V.Kanagaraj

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.125 of 2021 dated 24.01.2021, pending on the file of the first respondent police and quash the same.

2. The petitioners stand accused of committed offence punishable under Sections 147, 294 (b) and 323 of IPC on the basis of the complaint lodged by the second respondent.



3. Learned counsel for the petitioners would submit that the petitioners are innocent and from reading the FIR, it shows that it is the fake and fabricated case. He would also submit that there are several cases pending against the de-facto complainant and it is the reason why despite the case being registered on 24.04.2021, the respondent police are unable to file the final report. Hence, he prayed to quash the FIR in Crime No.125 of 2021.

4. Learned Additional Public Prosecutor would submit that it is the case where the petitioners along with 15 persons had assaulted the de-facto complainant and he would further submit that the grounds raised by the petitioners are factual in nature and it has to be investigated. He would also submit that without any legal points, the proceedings cannot be quashed.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent 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. 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.125 of 2021. However, the first respondent is directed to complete the investigation and file the final report as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ham/rgi



To

1. The Inspector of Police,
B-1, North Beach Police Station,
Chennai - 600 001.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Kanagaraj, Advocate, S.R.No.26277

CrI.O.P.No.8356 of 2022

RSV(CO)
RLP(27/04/2022)