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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.8180 of 2022

and

Crl.M.P.No.4761 of 2022

1.Miraclin Dories

2.Thangaraj

... Petitioners

-Vs-

1.State represented by,
Inspector of Police,
Central Crime Branch -I,
Vepery, Chennai - 7.
Crime No.138 of 2021

2.Alphonse Rajesh

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the entire records in Crime No.138 of 2021 on the file of the first respondent police and quash the FIR against the petitioners.

For Petitioners : Mr.L.Infant Dinesh

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.138 of 2021, on the file of the first respondent police and quash the same.

2. The petitioners stand accused of committed offence punishable under Sections 120-B, 420, 465, 467, 468 and 471 of IPC on the basis of the complaint lodged by the second respondent's bank.

3. Learned counsel for the petitioners would submit that the petitioners are innocent and that a case of non payment of loan has been projected as a case of fabrication of documents and cheating. He would further submit that the loan was obtained by



the first petitioner, whereas the her husband, second petitioner herein has been unnecessarily dragged in this case, without there being any allegations against him. Hence, he prayed to quash the FIR in Crime No.138 of 2021.

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4. Learned Additional Public Prosecutor would submit that the first petitioner had obtained loan from the de-facto complainant bank by submitting fabricated documents and also by producing fabricated ITR Assessment for the year 2017 and 2018. He would further submit that the investigation is also at the initial stage and the grounds raised by the petitioners are factual in nature and without any legal points, the proceedings cannot be quashed.

5. At this juncture, the learned counsel for the petitioner would reiterate that absolutely there is no allegation as against the second petitioner, husband of the first petitioner.

6. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent and perused the materials available on record.

7. 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.

8. In view of the above, this Court is not inclined to quash the FIR in Crime No.138 of 2021. However, the first respondent is directed to look into the documents with regard to the involvement of the 2nd petitioner, complete the investigation 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.

9. Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



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To

1.The Inspector of Police,
Central Crime Branch -I,
Vepery,
Chennai - 7.

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.8180 of 2022
and
CrI.M.P.No.4761 of 2022

RK (CO)
PR (02/05/2022)