



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8842 of 2022

and

Crl.M.P.No.5153 of 2022

Siva,
S/o.Arasan

... Petitioner

Vs

1.The State represented by,
The Sub Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.235 of 2019)

2.Surya,
S/o.Murugan

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to call for the entire records pursuant to F.I.R in Crime No.235 of 2019 on the file of respondent police and quash the same in so far as the petitioner is concerned by allowing this Criminal Original Petition.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents:

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to call for the entire records pursuant to F.I.R in Crime No.235 of 2019 on the file of respondent police and quash the same in so far as the petitioner is concerned by allowing this Criminal Original Petition.

2. The case of the prosecution as per the second respondent/defacto complainant is that due to previous enmity, the accused persons had assembled and abused the petitioner with filthy language and had assaulted the petitioner due to which, he had sustained injuries.



3. The learned counsel for the petitioner would submit that the petitioner is innocent persons and he has been falsely implicated in this case. He would further submit that the petitioner herein is arrayed as A-6 and due to previous enmity regarding running of Government Public Toilet, a false complaint has been given against the petitioner.

4. The learned Additional Public Prosecutor for the first respondent would submit that the petitioner's name is found in the FIR. He would further submit that the petitioner along with other accused had assaulted the second respondent/defacto complainant by which, the second respondent/defacto complainant sustained injuries.

5. At this juncture, the learned counsel for the petitioner would submit that though the case has been registered during the year 2019, there is no progress in this case.

6. Heard both sides and perused the materials available on record.

7. 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. 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.

8. With the above observations, this Criminal Original Petition is disposed of. However, a direction is issued to the first respondent to complete the investigation in Crime No.235 of 2019 and file a final report as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



rgm/arb

To

WEB COPY

1.The Sub Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No. 235/2019)

2.The Public Prosecutor,
High Court of Madras.

+2 Ccs to Mr.Krishnasamy Chinnasamy, Advocate sr 27210.

Crl.O.P.No.8842 of 2022
and Crl.M.P.No.5153 of 2022

PM(CO)
SP(05/05/2022)