



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9674 of 2022
and Crl.M.P.No.5669 of 2022

Saileshkumar @ Vichu ... Petitioner/Accused

Vs.

1. The State represented by,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

2. Perumal ... Respondents/Complainant & Decacto
Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records FIR filed in Cr.No.1672 of 2021 pending on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Prabhudoss
For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1

O R D E R

The Criminal Original Petition has been filed seeking to call for the records relating to the FIR filed in Crime No.1672 of 2021 on the file of the 1st respondent and quash the same.

2. Learned counsel for the petitioner would submit that based on the complaint of one Perumal/2nd respondent, the respondent police has registered a case against the petitioner in Crime No.1672 of 2021 for offences under Section 341, 294 (b), 336, 397, 506(ii) of IPC and Section 3 of TNPPDL Act, 1992. He would further submit that the petitioner had sent a legal notice to the defacto complainant and he had sent a reply stating that he has not given such a complaint as against the petitioner.



3. Per contra, learned Additional Public Prosecutor would submit that the petitioner is a History Sheeted Rowdy and against whom, there are 13 previous cases are pending and based on the complaint given by one Perumal/2nd respondent alleging that the petitioner had assaulted him, a case in Crime No.1672 of 2021 has been registered by the respondent. He would further submit that the respondent police has no enmity as against the petitioner and only based on the complaint given by the 2nd respondent, a case has been registered and the petitioner was arrested and remanded to judicial custody. Later, he was released on bail. He would also submit that the investigation is still pending and the grounds raised by the petitioner are factual in nature, which have been gone through only during the time of investigation.

4. Heard the learned counsel and perused the materials available on record.

5. 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.

6. Taking into consideration the facts and submission made by the learned counsel, this Court is of the opinion that the respondent police may be directed to conduct the investigation with regard to the alleged legal notice and whether the reply was given by the defacto complainant under any threat.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No. 1672 of 2021. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed. Further, the respondent police is directed to conduct investigation with regard to the alleged legal notice in Crime No. 1672 of 2021 and 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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



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To

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1. The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

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AJS (CO)
A.SK(17/05/2022)