



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8426 OF 2022

Sivakumar

... Petitioner/Accused No.2

Vs.

1. The State represented by,
the Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
(Crime No.241 of 2010)

... 1st Respondent/Complainant

2. Sivaraj

... 2nd Respondent/Defacto Complainant

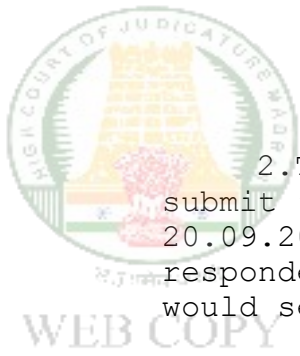
PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.241 of 2010 on the file of the Inspector of Police, Mahendramangalam Police Station, Dharmapuri District and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records relating to FIR in Crime No.241 of 2010, on the file of the first respondent police, for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC and to quash the same.



2.The learned counsel appearing for the petitioner would submit that a complaint has been given against the petitioner on 20.09.2010 and that despite the lapse of 12 years, the first respondent Police has not filed the final report and thereby, he would seek to quash the proceedings.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that the incident has taken place on 20.09.2010 and the complaint has been given to the first respondent Police on the same day. He would submit that there is no delay and it is not hit by Section 468 of Cr.P.C, in view of the Judgment of the Hon'ble Supreme Court in 2022 Live Law SC 248 - Amritlal Vs. Shanthilal Soni & Others. He would further submit that the investigation is pending.

4.Heard the learned counsel on either side and perused the materials placed on record.

5.On a perusal of the records, 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.

6.Further, it is seen that the incident had happened on 20.09.2010 and the complaint has been made on the same day and that there is no delay. However, taking into consideration the fact that the final report has not been filed so far, this Court is inclined to direct the first respondent Police to complete the investigation and to file a final report as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Dua/Nr



To

1. The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.8426 of 2022

GP (CO)
RLP (16/05/2022)