



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8874 of 2022
and
Crl.M.P.No.5164 of 2022

Manikandan

... Petitioner / Sole Accused

-Vs-

1. The State represented by,
Inspector of Police,
M-1, Madhavaram Police Station,
Chennai.

...1st Respondent / Investing Officer

2. Beer Mohamed

... Respondent / Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records relating to the FIR in Crime No.2243 of 2021 dated 17.09.2021 on the file of the first respondent M-1, Madhavaram Police Station, Chennai and quash the same as against the petitioner sole accused.

For Petitioner : Mr.S.Shinu

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.2243 of 2021 dated 17.09.2021, pending on the file of the first respondent police and quash the same.

2. The case of the prosecution as per the de-facto complainant/R2 is that the petitioner along with six other



persons had abused the de-facto complainant with filthy language and assaulted him with wooden logs. Thereby, the defacto complainant had given a complaint to take action against them. Based on the complaint, a case in Crime No.2243 of 2021 was registered by the first respondent for the offences under Section 341, 294 (b) and 324 of IPC.

3. Learned counsel for the petitioner would submit that it is the counter complaint. Earlier, during the year 2020, the de-facto complainant/R2 had assaulted the petitioner, in respect of which the case in Crime No.3646 of 2020 was registered against the de-facto complainant/R2 and in order to harass and pressurize the petitioner, the false complaint has been given against the petitioner. He would further submit that the petitioner was not present at the alleged scene of occurrence. Hence, he prayed to quash the FIR in Crime No.2243 of 2021.

4. Learned Additional Public Prosecutor would submit that earlier the petitioner had been assaulted by the de-facto complainant/R2 on 28.09.2020 in respect of which a case in Crime No.3646 of 2020 has been registered for the offence under Sections 341, 294 (b) and 323 of IPC against R2. As a retaliation, the petitioner along with other accused have abused de-facto complainant in filthy language and assaulted him, due to which the de-facto complainant sustained injuries and he has also taken to Rajiv Gandhi Government General Hospital and admitted as an in-patient and only on the intimation form the said Hospital, a case has been registered against the petitioner. He would further submit that the grounds raised by the petitioner 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 petitioner 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 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.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.2243 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 four months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

ham

To

1. The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Shinu, Advocate, S.R.No.28023

Cr1.O.P.No.8874 of 2022
and
Cr1.M.P.No.5164 of 2022

RSI[co]
NSK 05/05/2022