



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P. NO.17052 OF 2021

1.S.Veeramani

2.M.Sivakumar

...Petitioners / Accused 1 & 3

Vs.

1.State of Tamil Nadu,
Represented by the Inspector of Police,
Komaralingam Police Station,
Tiruppur District.

...Respondent / Complainant

2.G.Senniyappan

...Respondent / Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to Komaralingam Police Station, Tiruppur District, under F.I.R.No.371 of 2021 on the file of the respondent and quash the same.

For Petitioners : Mr.D.Murugan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.371 of 2021 on the file of the Komaralingam Police Station, Tiruppur District.

2.The case of the de facto complainant is that, when discussions were going on in the village in respect of construction of Kaliyamman Temple and other tax related issues, the petitioners, with previous enmity, attacked the de facto complainant's brother's son Saravanan with a wooden log and also the de facto complainant, who attempted to prevent the fight. Hence, the complaint.

3.Learned counsel for the petitioner would submit that the de facto complainant is an Advocate, who is purposefully trying to implicate this petitioner and his family members into the



dispute between one Mayavan and Kalishwari's family. He would further submit that there are several instances where the Police have remained hand-in-glove with the de facto complainant, and the present complaint is one of such kind.

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4.Learned Additional Public Prosecutor would submit that the grounds raised in this petition are factual in nature. He would further submit that investigation has been completed in this case and the final report is ready.

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

6.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. 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. All the grounds raised by the petitioner can be raised before the trial Court.

7.In view of the above, this Court is not inclined to quash the FIR in Crime No.371 of 2021. Accordingly, this Criminal Original Petition is dismissed. Further, the 1st respondent police is directed to file final report before the concerned Court within a period of one month from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

mkn

To

1.The Inspector of Police,
Komaralingam Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Murugan, Advocate Sr.No.14718

Cr1.O.P.No.17052 of 2021

AJS(CO)

RVM(22/03/2022)