



Crl.O.P.No.23339 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.23339 of 2022
and Crl.M.P.No.14922 of 2022

1.A.T.Chacko
2.Appu @ Allen

...Petitioners

Vs.

1.The Inspector of Police,
Thirumullaivoyal Police Station,
Ambattur Circle,
Thiruvallur District.

2.Chandran

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the FIR in Crime No.490 of 2022 dated 17.07.2022 on the file of Inspector of Police, Thirumullaivoyal Police Station, Thiruvallur District pending investigation and quash the same.



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For Petitioners : Mr.R.Govindasamy

For Respondent

No.1 : Mr.S.Santhosh
Govt.Advocate (Crl.Side)

For Respondent

No.2 : Mr.Shenbagababu

ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.490 of 2022 for the offences punishable under Sections 448 and 323 IPC pending on the file of the 1st respondent police.

2.The learned counsel for the petitioner submitted that the petitioner is the Managing Director of the Company and the alleged assault in the complaint is a false one. He further submitted that the alleged occurrence took place on 08.11.2021, the case has been registered only on 17.07.2022 with a huge delay with false motive. He further submitted that it is a foisted case and the injury report also not filed. Therefore, being a false case has to be quashed.



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3.The learned Government Advocate (Criminal Side) submitted that the entire investigation has been completed and the final report has to be filed. He further submitted that the complaint was given by one Chandran, and it is alleged that on 06.06.2022 at about 8.45 a.m, when he opened the Company for his regular work, Mr.A.T.Chacko (petitioner) at about 9.30 a.m, came to the office and assaulted the complainant. Subsequently, son of the petitioner viz.Appu, came to the spot, he also attacked the defacto complaint, pursuant to that he sustained injuries on his chest. Thereafter, he went to the Police Station and gave the complaint. Initially, the Police registered the case in C.S.R.No.930 of 2022 and after the enquiry, they registered a case in Crime No.490 of 2022 for the offences punishable under Sections 448 and 323 of IPC.

4.I have heard the learned counsel appearing for the petitioners, as well as the learned Government Advocate (Crl.Side) appearing for the first respondent and learned counsel appearing for the second respondent.



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5. On perusal of the FIR, the cognizable offence is made out and investigation has to be conducted to find out the truth. Apart from this, the pre-stage investigation has been completed and Final Report has to be filed. In these circumstances, they do not meet the parameters laid down by the Supreme Court in *State of Haryana vs. Ch. Bhajan Lal (AIR 1992 SC 604)*, *M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)* & *PRATIBHA RANI Vs. SURAJ KUMAR & ANR (1985 Cr.L.J.817)*, the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR at this stage. Therefore, I find no merit and investigation has to be conducted to find out the truth.

Accordingly, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No



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V.SIVAGNANAM, J.

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