



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE **S.ANANTHI**

Crl.O.P. (MD)No.3438 of 2022

R.Matheswaran

... Petitioner/Accused 2

Vs.

1. The State Rep.by
The Inspector of Police,
District Crime Branch,
Karur District.
(Crime No.12 of 2020)

... Respondent/Complainant

2.Malaikozhunthan

... 2nd Respondent/
Defacto complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for records in Crime No.12/2020 on the file of first respondent police and quash the same as against the petitioner concerned.

For Petitioner : Mr.T.Dhamodharan

For Respondent : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.12/2020 on the file of first respondent police.

2.The case of the prosecution is that the petitioner was working as Head Master in G.Udayapatti Government Higher Secondary School and the first accused Annadan was working as Junior Assistant in the said school. The first accused being a member of the second respondent society and obtained loan of Rs.5,00,000/- from the second respondent on 15.09.2014. The first accused voluntarily retired from service and produced No Objection Certificate dated 30.08.2017, as if, it is issued by the second respondent, without repaying the loan amount and obtained retirement benefits with the active assistance and involvement of the petitioner. With the above allegations, the respondent police registered the above FIR.

3.The learned Counsel appearing for the petitioner would submit that he already gave a complaint on 20.09.2017 against the first accused for giving the forged document. The complaint in Crime No.12 of 2020, was registered only on 07.09.2020, after three years from the complaint given by him.

4.The learned Additional Public Prosecutor would submit that

<https://hcservices.ecourts.gov.in/hcservices/>



the signatures of the accused were sent to Forensic Lab and report is pending. Only after getting the report, they can file charge sheet against the accused.

5. Heard both sides 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. 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 step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. In view of the above discussion, this Court is not inclined to quash the First Information Report. Hence this Criminal Original Petition stands dismissed. The respondent police is directed to get the report from the Forensic Scientific Laboratory as early as possible and file the final report before the concerned Court.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnm/aav

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Inspector of Police,
District Crime Branch, Karur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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