



CrI.O.P.(MD)No.3845 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.(MD) No.3845 of 2021

and

CrI.M.P.(MD).No.2121 of 2021

M.Mallika

... Petitioner / 3rd Accused

Vs.

1.The State represented by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
Crime No.569 of 2017.

... 1st Respondent/Complainant

2.Mr.R.Prabath

... 2nd Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.569 of 2017 on the file of the first respondent / police herein and quash the same as illegal insofar as the petitioner/A3 is concerned.

For petitioners

: Mr.S.Karthickramkumar

For R1

: Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R2

: Mr.S.Vijayashanthi

ORDER

This petition has been filed to quash the impugned FIR in Crime No.569 of 2017 on the file of the first respondent police.



2. The learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that there is no material in the First Information Report to proceed against the petitioner. Without any base, the first respondent police registered a case in No.569 of 2017 for the offences under Sections 294(b), 323, 324 & 506(2) and Section 82(1) of Juvenile Justice (Care and Protection of Children) Act, 2015, as against the petitioner. Hence he prayed to quash the same.

3.The learned Additional Public Prosecutor submitted that there are 6 accused in this case. The petitioner herein is arrayed as A3. A1 was arrested and subsequently, released on bail. A1 and A2 have filed a separate petitions before this Court seeking quashment of FIR. He would further submit that the investigation was completed and charge sheet is going to be field before the learned Judicial Magistrate No.I, Dindigul. Further, a copy of the Accident Register disclosed that there was contusion on the buttocks of the son of the defacto complainant. It was caused by the petitioner by beaten the boy with a stick. Hence, there is specific allegation against the petitioner. Hence, he vehemently opposed to allow this petition.



WEB COPY



Crl.O.P.(MD)No.3845 of 2021

4. Heard both sides.

5.It is seen from the First Information Report that there are specific allegations as against the petitioner to attract the offences, which has to be investigated in depth. Further the FIR is not an encyclopedia and it need not contain all facts and 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.

6. In view of the above discussion, this Court is not inclined to quash the First Information Report. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

18.04.2024

1/3

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
dss



WEB COPY



Crl.O.P.(MD)No.3845 of 2021

A.A.NAKKIRAN, J.

dss

To

- 1.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.3845 of 2021
and
Crl.M.P.(MD).No.2121 of 2021

18.04.2024