



Crl.O.P.(MD)No.14901 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.(MD) No.14901 of 2021

and

Crl.M.P.(MD).No.7949 of 2021

Muthukrishnan

... Petitioner / Accused Rank Not Known

Vs.

1.The State rep by

The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
(Crime No.68 of 2021)

... 1st Respondent/Complainant

2.Rajaguru

... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned FIR in Crime No. 68 of 2021 dated 15.09.2021 on the file of the first respondent police and quash the same as illegal insofar as the petitioner is concerned.

For petitioner

: Mr.R.Murugan

For R1

: Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This petition has been filed to quash the F.I.R. in Crime No.68 of 2021, pending on the file of first Respondent Police registered by the first respondent police for offences under Sections 379 of IPC and 21(1) of Mines & Minerals (Development & Regulations) Act, 1957, as against the petitioner.

2. The learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in No.68 of 2021 for the offences under Sections 379 of IPC and 21(1) of Mines & Minerals (Development & Regulations) Act, 1957, as against the petitioner. Hence he prayed to quash the same.

3.The learned Additional Public Prosecutor would submit that there are discrepancies between the original trip sheet and the copy maintained in the quarry site. Since, there is specific allegation against the petitioner, he vehemently opposed to allow this petition.

4. Heard both sides.



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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.

10.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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A.A.NAKKIRAN, J.

dss

To

1. The The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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