

Crl.OP.No.11721 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.11721 of 2022 & Crl.M.P.No.6658 of 2022

B.Gopi

... Petitioner

Vs.

1. The Inspector of Police,
R.5 Virugambakkam Police Station,
Chennai.
[Crime No.312 of 2022]

2. Vemal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.312 of 2022 on the file of the Inspector of Police, R-5 Virugambakkam Police Station, Chennai and quash the same.

For Petitioner : Mr.R.Venkatesh

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor – R1

Mr.L.Infant Dinesh – R2



ORDER

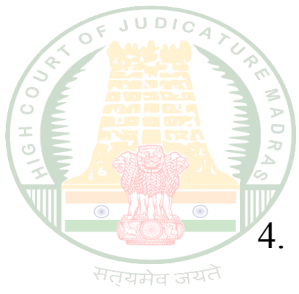
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This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.312 of 2022 pending investigation on the file of the first respondent for the offences under sections 467, 468, 469, 420 and 120B of IPC.

2. The allegations in the First Information Report indicate that there are some creation of false documents and misappropriation of cheques.

3. The learned counsel for the petitioner would state that the allegations in the First Information Report is only against the first accused and there is no allegation as against the petitioner and hence, sought to quash the First Information Report against him.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that there are prima facie materials against the petitioner and witnesses have also spoken about the role played by the petitioner in the commission of the offence and hence, prayed to dismiss this petition.



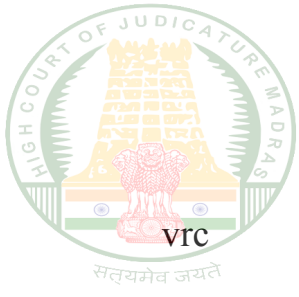
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4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel for the second respondent.

5. At the outset, when there are prima facie materials against the petitioner, this Court cannot make a roving enquiry as to the factual aspects submitted by the petitioner. The probe has to be done and the investigation has to see its logical end. If no evidence is made out, it is well open to the Investigating Agency to file a negative report or if materials disclose cognizable offence, final report has to be filed. The Investigating Agency shall conduct investigation in a fair manner taking note of the previous case registered against this petitioner. The Court cannot interfere during investigation, unless and until the First Information Report is a clear abuse of process of law and the materials do not constitute any offence. Hence, I do not find any merits to quash the First Information Report at this stage.

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

29.06.2022



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To,

1. The Inspector of Police,
R.5 Virugambakkam Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

VTC

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