



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD) No.3519 of 2022

A.Chitraprasanna

...Petitioner

Vs.

1. The Inspector of Police
All Women Police Station-Paramakudi
Ramanathapuram District

2. Muthumeenal ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for records pertaining to the FIR in crime No.21 of 2021 dated 02.10.2021 on the file of the 1st respondent police and quash the same as illegal in pursuant to the petitioner.

For Petitioner : M/s.Benazir Begum M

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

ORDER

This Petition has been filed to quash the proceedings in Crime No.21 of 2021 dated 02.10.2021 on the file of the 1st respondent police.

2. The case of the prosecution is that the petitioner was living in Finland since 2009, initially he worked as a software Engineer and now he is working as a software Engineer and now he is working in Senior Specialist in OP Bank, Helsinki, Finland. The marriage between the petitioner and the defacto complainant was solemnized on 10.07.2011 and he never demanded dowry in any form. Further he even asked his wife's family to deposit whatever they want to on her own account and he is not aware of the amount of jewels his wife had. He himself put 30 sovereigns of gold with his hard earned money for his wife later, out of which half of them are missing for the reasons best known to his wife. the petitioner's mother was living alone in Paramakudi, so he advised them to keep all their valuables including his wives jewels in the Indian Bank locket at Paramakudi for safety reasons. Thereafter his wife also moved to Finland. Immediately thereafter she become pregnant and delivered a girl child on 14.09.2012.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. She would further submit that there is a possibility of settlement between the parties by way of mutual consent.



4. The learned Additional Public Prosecutor would submit that the investigation is completed and the respondent police are about to file the final report before the concerned court.

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. It is also relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in **Crl.A.No.255 of 2019** dated **12.02.2019 - Sau. Kamal Shivaji Pokarnekhar vs. the State of Maharashtra & ors.**, as follows:-

"4. The only point that arises for our consideration in this case is whether the High Court was right in setting aside the order by which process was issued. It is settled law that the Magistrate, at the stage of taking cognizance and summoning, is required to apply his judicial mind only with a view to taking cognizance of the offence, or in other words, to find out whether a prima facie case has been made out for summoning the accused persons. The learned Magistrate is not required to evaluate the merits of the material or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to a conviction or not.

5. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious, or oppressive. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by the Magistrate, it is open to the High Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before the Trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed,



there would be no justification for the High Court to interfere.

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9. Having heard the learned Senior Counsel and examined the material on record, we are of the considered view that the High Court ought not to have set aside the order passed by the Trial Court issuing summons to the Respondents. A perusal of the complaint discloses that prima facie, offences that are alleged against the Respondents. The correctness or otherwise of the said allegations has to be decided only in the Trial. At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

8. In view of the above discussion, this Court is not inclined to quash the First Information Report. Hence this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. Further the petitioner is at liberty to file a fresh petition if any compromise is arrived at between the parties.

Sd/-

Assistant Registrar (CS II)

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Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
All Women Police Station-Paramakudi
Ramanathapuram District
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD) No.3519 of 2022
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