



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

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

Crl.O.P.(MD) No.4804 of 2022

in

Crl.M.P(MD)No.3393 of 2022

WEB COPY

Praveen @ Ravichandran

...Petitioner/Accused No.3

Vs.

1. The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.

... 1st Respondent/Complainant

2. Iyyamperumal

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the FIR in Crime No. 36 of 2020 dated 11.03.2020 on the file of the Inspector of Police, K.Pudupatti, Pudukottai District and quash the same in Accused 3 so far as the Petitioner is concerned.

For Petitioner : Mr.N.Subramani

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No. 36 of 2020 on the file of the first respondent police.

2.The case of the prosecution is that one Jothiraj and the second respondent are friends and the said Jothiraj informed the second respondent that he was working as a Army Auditor in Central Government and arranged for many jobs to many persons. Hence the second respondent collected Rs.21,27,000/-(21lakh + 2.7+7+5) from the family members namely, Arunkumar, Ilangovan, Chilamparasan and Dharmaselvam and gave the same to the said Jothiraj for getting jobs. Jothiraj had assured the second respondent that if he could not get the jobs then he will repay 10% of interest of the said amount. He didn't arrange any job and not returned the money. Hence the second respondent lodged a complaint before the first respondent and the same was registered in Crime No.36 of 2020 for the offences under Sections 420 of IPC.

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. Without any base, the first respondent police registered a case in Crime No. 36 of 2020 for the offences under Sections 420 of IPC.



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.

"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.

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

6.....

7.....

8.....

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. However, the first respondent police is directed to complete the investigation and file final report before the concerned Magistrate, within a period of eight weeks from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar (CS)

lr



To

1. The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.4804 of 2022
in

Cr1.M.P(MD)No.3393 of 2022
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IMS (CO)

GC(22.03.2022) 4P 3C