



Crl.O.P.No.23260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

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

Crl.O.P.No.23260 of 2022

and

Crl.M.P.No.14849 of 2022

C.Rajkumar

... Petitioner

-Vs-

1. State:-

The Inspector of Police,
S-11, Tambaram Police Station,
Chennai.
(Crime No.247 of 2022)

2. V.Arivudai Nambi

Revenue Divisional Officer,
O/o, RDO Office,
Tambaram, Chennai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the Crime No.247 of 2022 pending on the file of the Inspector of Police, S-11, Tambaram Police Station, Chennai and quash the same.

For Petitioner	:	Mr.C.Emalias for Mr.V.C.Vinoth Kumar
For R1	:	Mr.A.Gopinath Government Advocate (Crl.side)



Crl.O.P.No.23260 of 2022

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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.247 of 2022 on the file of first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials available on record.

3. The case of the prosecution is that on 16.04.2022, the defacto complainant lodged a complaint before the first respondent alleging that the petitioner had passed an order in Na.Ka.705/2018/A dated 12.07.2019 related to the lands in S.Nos.520/1, 520/2 and 521. The said order was found missing in the office. The said order was also challenged in W.A.No.177 of 2021 before this Court. This Court, by an order dated 20.09.2021, ordered to conduct an enquiry and to take action on the erring officials. Accordingly, one S.Nagarajan, I.A.S., Commissioner of Land Administration in his order dated 07.02.2022, directed to take criminal action as against the petitioner. Hence, the complaint.



Crl.O.P.No.23260 of 2022

WEB COPY

4. On receipt of the complaint, the first respondent registered FIR in Crime No.247 of 2022 for the offences punishable under Sections 465, 467, 471 and 477 IPC.

5. It is seen that as directed by the Hon'ble Division Bench of this Court, the Commissioner of Land Administration had conducted a detailed enquiry and submitted his report. As per the report, the order passed by the Revenue Divisional Officer was cancelled and also suspended him from service. Now, the disciplinary proceedings is under progress against him. On the said report, the criminal complaint was lodged by the second respondent and the first respondent registered FIR. Therefore, this Court finds no grounds to quash the FIR.

6. That apart, the FIR is not an encyclopedia and it need not contain all facts and it cannot be quashed in its threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation.



Crl.O.P.No.23260 of 2022

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 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*** in the case of ***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



Crl.O.P.No.23260 of 2022

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.

.....

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



Crl.O.P.No.23260 of 2022

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 discussions, this Court is not inclined to quash the FIR in Crime No.247 of 2022 on the file of the first respondent. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. The first respondent is directed to complete the investigation in Crime No.247 of 2022 and file a final report, within a period of twelve weeks from the date of receipt of a copy of this order.

27.11.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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Crl.O.P.No.23260 of 2022

G.K.ILANTHIRAIYAN. J.

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To

1. The Inspector of Police,
S-11, Tambaram Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

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and
Crl.M.P.No.14849 of 2022

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