



*Crl.O.P.(MD)No.15934 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.09.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.15934 of 2024

and

CrI.M.P.(MD)No.10038 of 2024

1.A.Alaguraja

2.R.Muthumani

3.K.Murali

4.S.Satheeswaran

... Petitioners

Vs.

1.The Inspector of Police,  
Gandamanur Police Station,  
Theni.  
(Crime No.75 of 2024)

2.G.Ramesh

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned order of the FIR in Crime No.75 of 2024 on the file of the first respondent police and quash the same in so far as the petitioners who arrayed as accused 1 to 4 is concerned.



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For Petitioners : Mr.N.Ganesh

For R1 : Mr.P.Kottai Chamy  
Government Advocate (Crl. Side)

**ORDER**

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.75 of 2024 pending on the file of the first respondent.

2. The petitioners are the accused 1 to 4 in Crime No.75 of 2024 on the file of Gandamanur Police Station, Theni.

3. It is evident from the records that on the basis of the complaint given by the second respondent, FIR came to be registered in Crime No. 75 of 2024 on 23.04.2024 against five persons including the petitioners herein for the alleged offences under Sections 147, 294(b), 323 and 506(1) IPC.

4. The case of the prosecution is that due to civil dispute pending between the parties, all the accused attacked the second respondent and



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caused injuries and also caused criminal intimidation.

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5. It is not in dispute that counter FIR came to be registered in Crime No.74 of 2024.

6. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that in both the FIR, investigation is pending.

7. The main contention of the petitioners is that there are no materials or evidence so as to attract the offences under Sections 147, 294(b) and 506(1) IPC and that the occurrence alleged by the second respondent is false.

8. It is settled law that FIR cannot be considered as an encyclopedia so as to contain all the particulars or ingredients of the offence alleged. Moreover, whether the occurrence is false or not cannot be gone into in the present stage and it is matter for investigation. Except the above, the petitioners have not canvassed any other reason or ground to quash the



9. The Hon'ble Supreme Court in the case of ***State of Haryana and others Vs. Bhajan Lal and others*** reported in ***1992 SCC (Cri) 426*** has enumerated 7 categories of cases, where the power can be exercised under Section 482 of Code of Criminal Procedure and the same are extracted hereunder:-

*“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*

*(1) where the allegations made in the*



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*First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;*

*(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;*

*(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;*

*(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;*

*(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever*



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*reach a just conclusion that there is sufficient ground for proceeding against the accused;*

*(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;*

*(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

10. In ***Dr.Dhruvaram Murlidhar Sonar Vs. The State of Maharashtra and others*** reported in **2019 (18) SCC 191**, the Hon'ble Apex Court has specifically held that exercise of powers under Section 482 Cr.P.C. to quash the proceedings is an exception and not a rule. It is settled law that the inherent jurisdiction under Section 482 Cr.P.C. is wide but at the same time, the same is to be exercised sparingly, carefully



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and with caution and only when such exercise is justified by the tests specifically laid down in the Section itself.

11. The Hon'ble Supreme Court in ***Kaptan Singh Vs. The State of Uttar Pradesh and others*** reported in **2021 (3) Crimes 247** has stated that, that Court in catena of decisions has observed that the High Court is not required to go into the merits of the allegations and/or enter into the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial and that question is required to be examined keeping in view, the contents of FIR and *prima facie* materials, if any, requiring no proof and at such stage, the High Court cannot appreciate evidence nor can it draw its own inferences from contents of FIR and materials relied on.

12. It is pertinent to note that if the petition under Section 528 B.N.S.S., was filed at the stage of FIR, the allegations in the FIR/ complaint only are required to be considered and whether a cognizable offence is disclosed or not is required to be considered.



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13. Considering the above, this Court concludes that the petition is devoid of merit and the same is liable to be dismissed.

14. Since it is a case and case in counter, the first respondent is directed to follow the direction issued by the Hon'ble Full Bench of this Court in ***Crl.O.P.Nos.4587 of 2023 (Batch) dated 08.08.2024.***

15. With the above direction, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

**24.09.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
csm

To

1.The Inspector of Police,  
Gandamanur Police Station,  
Theni.

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



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**K.MURALI SHANKAR,J.**

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Order made in  
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and  
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Dated: 24.09.2024