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CRL OP No. 4289 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 4289 of 2025

and

CRL MP No. 2701 OF 2025

D.Sriram

Rep By His Father

Mr. Balasubramaniyan

Petitioner

Vs

1. The Superintendent Of Police
North Puducherry, Mothilal Nagar,
Shanmugapuram,
Puducherry-605009

2.The Inspector Of Police
Lawspet Police Station,
Puducherry 605008

3.Dr.Cheryl Ann Gerardine Shivan

Respondents

PRAYER:- Criminal Original Petition filed under Sec. 528 of B.N.S.S., praying to call for the records in Crime No.194 of 2024 on the file of the Inspector of police, Lawspet Police Station,Puducherry and quash the same



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For Petitioner: Ms. Thenmozhi R.
For Respondents: Mr. K.S. Mohandass
Public Prosecutor (Pudy.) for R1 & R2

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.194 of 2024 on the file of the second respondent, for the offences under Sections 336(3) and 340 (2) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that, during the Academic Year 2024-2025, a certain number of NRI seats were available in four medical colleges in Puducherry, to which admissions were made through the CENTAC. All the candidates applying under the NRI quota were required to submit attested NRI/NRI Sponsorship letters from the Embassies / High Commissions in the countries where their NRI sponsors are currently employed. In addition, NRI sponsored candidates were mandated to submit sworn affidavits establishing a first degree relationship with their sponsors. The Round 3 eligibility list of NRI candidates was published on 17.10.2024. Thereafter, there



are several complaints were received alleging that not all the NRI candidates who had applied and had been listed as eligible under the NRI quota were actually eligible.

3. On verification, it was observed that the name of a certain Consular staff at the Consulate in Dubai had been spelt differently on several different applications and his signature was almost not uniform. Therefore, the NRI Certificates and Sponsorship Certificates were forwarded to the respective Embassy for verification. On receipt of the reply received from the Embassy, it was revealed that the attestation and the certificates were not genuine. They have found that 44 candidates had produced forged certificates and manipulated their first degree blood relationship affidavits. Those certificates determined as forged and as such, an FIR has been registered as against the persons who submitted the forged certificates. It is a large scheme and as such, the investigation has to be conducted in a detailed manner.

4. The learned counsel appearing for the petitioner would submit that the petitioner had produced a certificate alleged to be forged. The petitioner's uncle, who is residing abroad, had sent a sponsorship certificate as



per directions issued by the third respondent. The petitioner paid the tuition fees and was admitted into the college.

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5. On instructions, the learned Public Prosecutor (Puducherry) submitted that insofar as the petitioner is concerned, he was given admission in the course of MBBS. However, on verification of his certificate, the reply received from the concerned Embassy indicated that the NRI certificates produced by the petitioner was a forged one. Thereafter, the report was forwarded to the Director of Health and Family Welfare Services. Based on the recommendation of the Director, Health and Family Welfare Service, the petitioner was discharged from the MBBS course.

6. Heard the learned counsel appearing for the petitioner and learned Public Prosecutor (Puducherry) appearing for the respondents 1 and 2. Perused the materials available on record.

7. It is seen from the First Information Report that there are specific allegations as against the petitioner to attract the offence, which has to be investigated in depth. Further the FIR is not an encyclopedia and it need not contain all facts and 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.

8. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019*** dated **12.02.2019**) held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a *prima facie* case has been made out for summoning the accused person. The learned Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has



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been taken by Magistrate, it can be considered for quashment. Therefore, 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 to interfere. At the initial stage of issuance of process, it is no open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint 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.

9. Further the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & ors.***, as follows :-



“23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

.....

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;*

.....



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xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

10. In view of the above discussions, this Court is not inclined to quash the First Information Report. However, the second respondent is directed to complete the investigation in Crime No.194 of 2024 and file a final report within a period of six months from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

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

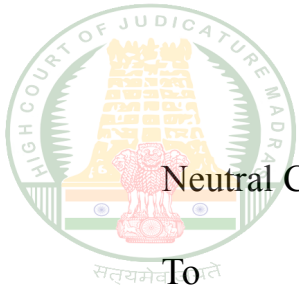
18-02-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



Neutral Citation: Yes/No

To

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1. The Superintendent Of Police
North Puducherry, Mothilal Nagar,
Shanmugapuram, Puducherry-605009

2. The Inspector Of Police
Lawspet Police Station,
Puducherry 605 008

3. The Public Prosecutor, Puducherry.



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G.K.ILANTHIRAIYAN J.

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