



CrI.O.P.No. 5578 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM:

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

CrI.O.P.No. 5578 of 2025

and

CrI.M.P.No.3622 of 2025

Sasi Kumar

..... Petitioner

Vs

1. The State,
Represented By Inspector of Police
Gudiyatham Police Station,
Vellore District.
Crime No. 622 of 2023

2. Niyaz Ahmad Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in connection with the Crime No.622 of 2023 on the file of 1st respondent and quash the same.

For Petitioner : Mr.C.N.Prarthana
For R1 : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.622 of 2023 on the file of the first respondent, registered for the offences under Sections 420, 465, 468 and 471 of IPC.



CrI.O.P.No. 5578 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner fraudulently established businesses in the names of others with a dishonest intention to cheat them and obtain unjust enrichment. The case is that the Tamil Nadu Government introduced a new welfare scheme to benefit women, for which many women in the jurisdiction applied for the scheme. The defacto complainant also applied for the scheme and the same was rejected. On enquiry, the complainant was informed that their family was deeded eligible, as records falsely indicated that each family member owned a company, earned an annual profit of Rs.50 lakhs and paid income tax. However, the complainant and their family do not own any companies or run any businesses.

3. It is further alleged that A1, who resides near the sister of the defacto complainant and works at the E-Seva Centre, misled her by claiming that several benefits were available under the Non-Organised Labour Welfare Scheme. He allegedly asked her to provide her phone number, along with personal details, such as her Aadhaar Card, PAN Card, bank statement, passport size photograph and information about her family and neighbours. She provided details of 19 individuals in total. However, she never received an approval card for the scheme. On enquiry, it came to the knowledge of the defacto complainant that A1,



CrI.O.P.No. 5578 of 2025

who had collected these details, had allegedly misused them to fraudulently register businesses in the names of the individuals without their knowledge or consent. The names of the companies are as follows :

Name of the person	Name of the company established
Niyaz Ahmad	Niyas Impex
Amreen	MM Traders
Farooq	Falcon Enterprises
Afreen	FA Enterprises
Sheriff	Rex Traders
Falhees	BK Traders & Shine
Rihanna	Rehan Traders
Jarina	ZA Enterprises
Salma	Blue Bell Enterprises
Aseena	Prime Enterprises
Jameela	Mariy Enterprises
Kairunisha	Empire Enterprises
Sirajudeen	Safaimpex
Jamruth	JM Enterprises & FA Enterprises
Dilshath	TS Traders
Musharath	MS Traders
Mubarak	MV Enterprises

4. Heard the learned Counsel appearing on either side and perused the materials placed on record.



CrI.O.P.No. 5578 of 2025

5. 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.

6. 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



CrI.O.P.No. 5578 of 2025

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 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.

7. Further the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the



CrI.O.P.No. 5578 of 2025

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;*

.....



WEB COPY



Cr.I.O.P.No. 5578 of 2025

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;*”

8. In view of the above discussions, this Court is not inclined to quash the First Information Report. However, the first respondent is directed to complete the investigation in Crime No.622 of 2023 and file a final report within a period of twelve (12) weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

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

27.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

Page 7 of 8



WEB COPY



CrI.O.P.No. 5578 of 2025

G.K.ILANTHIRAIYAN, J.

Lpp

To

1. The Inspector of Police
Gudiyatham Police Station,
Vellore District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

CrI.O.P.No. 5578 of 2025

27.02.2025