



Crl.O.P.No. 4376 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM:

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

Crl.O.P.No. 4376 of 2025

and

Crl.M.P.No.2777 of 2025

Balaji

.... Petitioner

Vs

1.State by
The Inspector of Police,
P-2, Kodambakkam Police Station,
Chennai.
(Crime No.139 of 2024)

2.Malini Ravindran

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the proceedings concerned in Crime No.139 of 2024 on the file of Inspector of Police, Kodambakkam Police Station, Chennai.

For Petitioner : Mr.S.Sasikumar

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For R2 : Mr.T.Gowtham
Senior Counsel
for Mr.K.Rahul



Crl.O.P.No. 4376 of 2025

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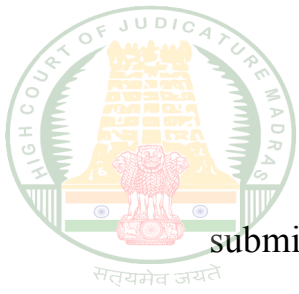
ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.139 of 2024 on the file of the first respondent, for the offences under Sections 406, 420, 468 and 471 of IPC.

2. The case of the prosecution is that the petitioner is the sole accused and was a tenant of one Ranganathan, who is the brother of the defacto complainant in respect of the premises owned by the defacto complainant's brother. Even after his demise, the petitioner forged his signature and fabricated a rental agreement in his favour and misusing the same. Hence, the case was registered.

3. On receipt of the said complaint, the first respondent registered an FIR in Crime No.139 of 2024 for the offences punishable under Sections 406, 420, 468 and 471 of IPC, which is pending for investigation.

4. The learned counsel appearing for the petitioner would



Crl.O.P.No. 4376 of 2025

submit that the petitioner is the sole accused and was a tenant under one Ranganathan. The petitioner has already vacated the premises and the entire premises was demolished. That apart, the original lease agreement is in the custody of the defacto complainant. Further, a civil suit in O.S.No.6952 of 2023 is pending on the file of the VI Assistant City Civil Court, Chennai filed by the petitioner seeking permanent injunction.

5. The learned Senior Counsel appearing for the second respondent submitted that the rental premises is in a dilapidated condition and with due permission obtained from the Corporation of Chennai, the petitioner proceeded to demolish the entire structure. However, the petitioner fabricated the lease agreement by forging the signature of the deceased Ranganathan and unlawfully occupied the premises. Therefore, a prima facie case has been made out against the petitioner to attract the offences under Sections 406, 420, 468 and 471 of IPC.

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

7. It is seen from the First Information Report that there



Crl.O.P.No. 4376 of 2025

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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 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. 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



Crl.O.P.No. 4376 of 2025

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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.



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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*



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CrI.O.P.No. 4376 of 2025

accordance with the known procedure;

.....

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 fact, this Court, by an order dated 10.09.2024 in W.P.No.16847 of 2024, directed the first respondent to proceed further in the issue and the license cancelled by the second respondent Corporation was confirmed.

11. 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.139 of 2024 and file a final report within a period of twelve weeks from the date



Crl.O.P.No. 4376 of 2025

of receipt of copy of this Order, before the jurisdiction Magistrate, if not

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

19.02.2025

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

1.The Inspector of Police,
P-2, Kodambakkam Police Station,
Chennai.

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



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Crl.O.P.No. 4376 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No. 4376 of 2025

19.02.2025