



Crl.O.P.No. 4556 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

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

Crl.O.P.No. 4556 of 2025

and

Crl.M.P.No.2908 of 2025

Sathish

..... Petitioner

Vs

1. State Rep. By
The Inspector of Police,
J-8, Neelankarai Police Station,
Neelankarai,
Chennai- 600 115.

2. Pandidurai

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pertaining to the First Information Report in F.I.R.No.264 of 2024 pending before the Inspector of Police, J-8, Neelankarai Police Station, Chennai and quash the same.

For Petitioner : Mr.S.Jeeva

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER



CrI.O.P.No. 4556 of 2025

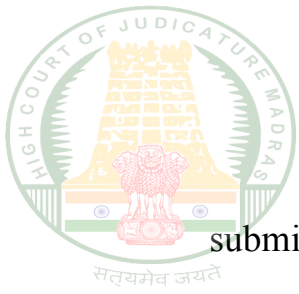
WEB COPY

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.264 of 2024, registered by the first respondent police for offences under Sections 8(c), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, as against the petitioner.

2. The case of the prosecution is that on 25.07.2024 at 13.30 hours, the second respondent, on receiving secret information, came to know that some known persons were selling Ganja at Palavakkam Canal Bridge. When the second respondent police, along with their team, proceeded to the spot, they found the accused persons in possession of 2.6 Kgs of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been implicated as an accused in this case only on the confession statement given by the co-accused. Further, no ingredients are made out to justify the registration of the FIR under Sections 8(c), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Hence he prayed to quash the same.

4. The learned Additional Public Prosecutor would



Crl.O.P.No. 4556 of 2025

submit that the accused persons were in possession of 2.6 Kgs of Ganja.

WEB COPY

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

6. 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.

7. 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



Crl.O.P.No. 4556 of 2025

WEB COPY

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 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



WEB COPY

offence alleged against the accused are *prima facie* made out in the complaint, the criminal proceeding shall not be interdicted.

8. 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*



WEB COPY



Crl.O.P.No. 4556 of 2025

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;

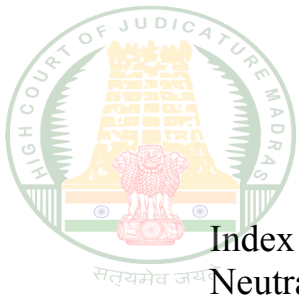
.....

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;”

9. 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.264 of 2024 and file a final report within a period of twelve weeks 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.

20.02.2025



Crl.O.P.No. 4556 of 2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

Lpp

To

1. The Inspector of Police,
J-8, Neelankarai Police Station,
Neelankarai,
Chennai- 600 115

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No. 4556 of 2025

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No. 4556 of 2025

20.02.2025