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CrI.O.P.No. 4694 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM:

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

CrI.O.P.No.4694 of 2025

and

CrI.M.P.No.3018 of 2025

1.Sivaperumal @ Sivaperuman

2.Padmavathy

... Petitioners

Vs.

1.State by
Inspector of Police,
Chithamur Police Station,
Chengalpet District.

2.Ganesan

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.35 of 2024, on the file of the Inspector of Police, Chithamur Police Station, Chengalpet District and quash the same.

For Petitioner : M/s.K.Sruthi

Page 1 of 10



Crl.O.P.No. 4694 of 2025

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For R1

: Mr.R.Vinothraja,
Government Advocate (crl.side)

ORDER

This petition has been filed to quash the FIR in Crime No.35 of 2024 on the file of the first respondent, registered for the offences punishable under Section 420 of IPC and Sections 65 and 71 of the Information Technology Act, 2000.

2. The case of the prosecution, as per FIR, is that on 20.01.2024 at 13:00 hrs, while the Special Sub Inspector, on duty at Chithamur Police Station, received a complaint from the Sub-Registrar of Madhurantakam, which was forwarded through the Registration Department. The complaint pertains to Settlement Document No. 3181/2021, having been registered at the Madhurantakam Sub-Registrar Office. Based on the investigation and correspondence from the District Registrar, Chengalpattu (Ref. No. 5264/A3/2022 dated 14.03.2023 and letter dated 13.09.2023), the document was found to contain false information. Accordingly, it was cancelled under Section 77(A) of the Registration



CrI.O.P.No. 4694 of 2025

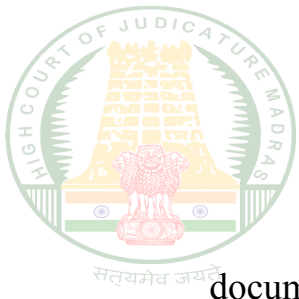
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Act, 1908. The Sub-Registrar has requested legal action under Section 83 of the Registration Act against the following accused for allegedly preparing and executing the false document:

- A1- Mrs. Nalini W/o Mahalingam
- A2- Mrs. Andal D/o Dhanapal
- A3- Mr. Shekar S/o Subramani
- A4- Mr. Siva Sakthivel
- A5- Mr. Thirumalai, Advocate (Document Writer)

Based on the complaint, an FIR has been registered in Crime No.35 of 2024 for the offences punishable under Section 420 of IPC and Sections 65 and 71 of the Information Technology Act, 2000.

3. The learned counsel for the petitioners submitted that the petitioners are arrayed as A6 and A7 in this case, and they have no connection whatsoever with the allegations made by the second respondent. The second respondent, who is the Sub-Registrar, lodged the complaint pursuant to the directions issued by the District Registrar under Section 83 of the Registration Act. Even according to the case of the prosecution, it is alleged that A1 executed a settlement deed in favour of A2; A3 and A4 attested the same as witnesses, while A5 served as the



Crl.O.P.No. 4694 of 2025

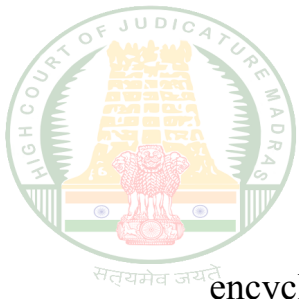
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document writer. The petitioners, A6 and A7, are not in any manner connected with the alleged incident. Hence, she prays to quash the FIR.

4. On the other hand, the learned Government Advocate (Criminal Side) submitted that the petitioners reside in the same locality where the subject property is situated and are, in fact, the masterminds behind the entire crime. It is submitted that the subject property does not belong to A2, and the accused fabricated documents to create a false title in favour of A2. Subsequently, A2 executed a settlement deed in favour of A1. It is further submitted that the petitioners had created several documents in favour of A1 in order to give legitimacy to the fraudulent transaction. Hence, he prays for dismissal of this quash petition.

5. Heard both sides and perused the materials placed on record.

6. On a perusal of the First Information Report, this Court finds that there are specific and serious allegations as against the petitioners which attract the ingredients of cognizable offences and warrant thorough investigation. It is well settled that an FIR is not expected to be an



Crl.O.P.No. 4694 of 2025

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encyclopaedia of facts. The FIR in the present case discloses a *prima facie* commission of cognizable offences. Hence, this Court is not inclined to quash the FIR at this stage. The investigation machinery must be allowed to proceed in accordance with law to unearth the truth and bring the guilty to book.

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 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



Crl.O.P.No. 4694 of 2025

WEB COPY

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.

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 :-



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Crl.O.P.No. 4694 of 2025

“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 encyclopedia 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;*

.....

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*



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Crl.O.P.No. 4694 of 2025

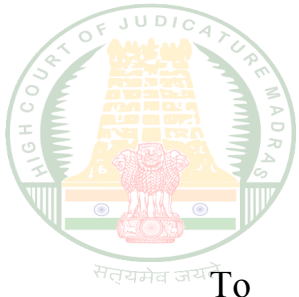
whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR; ”

9. In view of the above discussions, this Court is not inclined to quash the First Information Report in Crime No.35 of 2024. The first respondent is directed to complete the investigation in Crime No.35 of 2024 and file the 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.

24.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.O.P.No. 4694 of 2025

To
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1.The Inspector of Police,
Chithamur Police Station,
Chengalpet District.

2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.4694 of 2025 and
Crl.M.P.No.3018 of 2025



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Crl.O.P.No. 4694 of 2025

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