



Crl.O.P.No.7919 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

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

Crl.O.P.No. 7919 of 2025 and
Crl.M.P.No.5134 of 2025

Dr.V.Rani

.... Petitioner

Vs

1.The State

rep. by

Inspector of Police,

Fairlands Police Station,

Alagapuram, Salem District.

2.T.Subha

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records to the FIR No.212 of 2024 dated 25.05.2024, on the file of the first respondent police and quash the same.

For Petitioner : Mr.E.KKumaresan

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

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 212 of 2024 for the offences punishable under Sections 120B, 506(2), 109 and 3 of IPC.

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2. The case of the prosecution, as per FIR, is that the first Respondent Police registered an FIR in Crime No.212 of 2024 against the petitioner and four others, based on a complaint lodged by the de-facto complainant, alleging that the de-facto complainant was residing with her family as a tenant on the third floor of Swarnapuri RV Towers and had proposed to purchase the apartment from the original owner, one Ulaganathan, for Rs.2.5 crores, having paid an advance of Rs.1.70 crores in 2019. Subsequently, the petitioner allegedly purchased the same apartment and demanded that the de-facto complainant to vacate it. Therefore, a civil suit in O.S. No.253 of 2021 was filed by the de-facto complainant before the III Additional District Court, Salem, seeking specific performance against the legal heirs of the said Ulaganathan and the petitioner, which is still pending. While being so, the petitioner, along with unknown persons, threatened the de-facto complainant and on various occasions damaged her vehicles while she was away. The watchman reportedly informed her that the petitioner and others were responsible. In respect of the above incidents, complaints were previously lodged and CSR Nos. 292/2021, 731/2021, and 554/2022 were issued. At

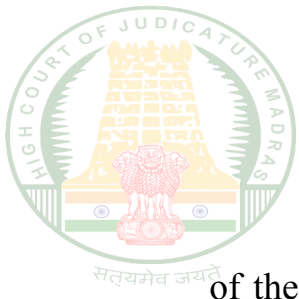


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this juncture, on 02.05.2024, while the de-facto complainant was at the car parking area, the petitioner and others allegedly threatened her again, following which the present complaint was lodged, leading to registration of the FIR.

3. The learned counsel for the petitioner submitted that the entire FIR is nothing but a civil dispute given a criminal colour. The de-facto complainant had entered into an agreement with the original owner, Ulaganathan, for purchase of the apartment and had paid an advance. However, the petitioner subsequently purchased the property through a valid sale transaction. The de-facto complainant has already filed a suit for specific performance in O.S. No.253 of 2021 before the III Additional District Court, Salem, which is pending adjudication. It is further submitted that the allegations made in the FIR are vague, general in nature, and intended to harass the petitioner. The prior complaints mentioned by the de-facto complainant, for which CSR numbers were assigned, did not result in any FIR or final report. The current FIR is filed with a *mala fide* intent to pressurize the petitioner during the pendency of the civil litigation. The alleged incident on 02.05.2024 is a continuation



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of the same civil dispute and no specific overt act has been attributed to the petitioner. Hence, the continuation of the criminal proceedings amounts to abuse of process of law, and the petitioner seeks quashing of the FIR.

4. The learned Government Advocate (crl.side) submitted that the FIR discloses cognizable offences and the allegations made by the de-facto complainant are serious in nature. The complaint narrates that the petitioner and other accused, on multiple occasions, harassed and threatened the de-facto complainant, damaged her vehicles, and unlawfully interfered with her peaceful possession of the apartment. The latest incident dated 02.05.2024, where the petitioner and others allegedly threatened the de-facto complainant in the car parking area, cannot be brushed aside lightly. It is further submitted that the investigation is at a preliminary stage, and whether the dispute is purely civil or has elements of criminality can be determined only after a full and fair investigation. The prior CSR entries, coupled with the present complaint, establish a pattern of intimidation. Therefore, the FIR cannot be quashed at this stage, and the petitioner has to cooperate with the investigation.



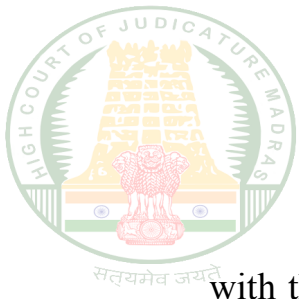
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5. Heard both sides and perused the materials placed before this Court.

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

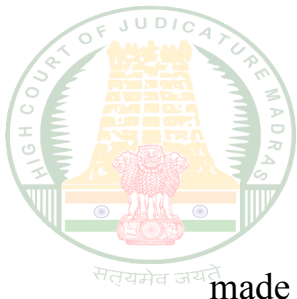
7. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019*** dated **12.02.2019**) held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only



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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



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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 :-

“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*



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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 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.212 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



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

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.
shk

To

1.The Inspector of Police,
Fairlands Police Station,
Alagapuram, Salem District.

2. The Public Prosecutor, High Court, Madras.

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Crl.M.P.No.5134 of 2025

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