



CrI.O.P.Nos.6072, 6079 & 6083 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM:

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

CrI.O.P.Nos. 6072, 6079 & 6083 of 2025

and

CrI.M.P.Nos.3889, 3893 & 3897 of 2025

CrI.O.P.NO.6072 of 2025

N.Vijayalakshmi

..... Petitioner

Vs

1.State Rep.By,
The Inspector of Police,
K5, Peravallur Police Station,
Chennai - 600 082.

2.Subash Chandhar

..... Respondents

CrI.O.P.NO.6079 of 2025

N.Vijayalakshmi

..... Petitioner

Vs

1.State Rep.By,
The Inspector of Police,
K5, Peravallur Police Station,
Chennai - 600 082.

2.Surendran

..... Respondents



Crl.O.P.Nos.6072, 6079 & 6083 of 2025

Crl.O.P.NO.6079 of 2025

WEB COPY N.Vijayalakshmi

..... Petitioner

Vs

1.State Rep.By,
The Inspector of Police,
K5, Peravallur Police Station,
Chennai - 600 082.

2.Saravanan

..... Respondents

COMMON PRAYER: Criminal Original Petitions are filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to call for the records pertaining to FIR in Crime Nos.75, 76 & 77 of 2024 dated 12.04.2024 on the file of the Respondent Police and quash the same against the petitioner alone.

For Petitioner : Mr.V.Balu

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

For R2 : Mr.R.Ashwin

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the FIR registered in Crime No.46 of 2024 on the file of the first respondent.



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2. The case of the prosecution is that the second respondent

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had acquainted with all the accused persons, who represented to him that they were engaged in trading activities and were running a lucrative trading company in the name of “Angel Trading”. They promised the second respondent that if he invested with them, the same would be invested in shares and gold, yielding substantial returns. Believing in the representation made by them, the second respondent invested a sum of Rs.50 Lakhs with the accused persons. Thereafter, the second respondent tried to contact them, since they failed to return the money. In fact, an earlier occasion on 15.07.2022, whatever the amount invested by the second respondent was returned to him in installments. On repeated request, the accused persons returned a sum of Rs.22 Lakhs to the second respondent in part payment on different dates with the last payment being made on 02.03.2023. However, the remaining amount of Rs.28 Lakhs was not returned and to have been cheated by the accused. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioner is none than the wife of the first accused. Even according to the second respondent, he had entrusted the entire



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amount to the third accused. It was the third accused who returned a part of the amount, and the balance amount is also to be returned by the third accused. The petitioner has no way connected to the third accused, since she is the wife of the first accused.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the petitioner had approached this Court seeking anticipatory bail after registration of the FIR and this Court had granted anticipatory bail on condition that the petitioner shall deposit a sum of Rs.5 Lakhs to the credit of Crime No.76 of 2024. However, the petitioner failed comply with the said condition and approached the Hon'ble Supreme Court of India by filing a Special Leave Petition, which was dismissed. Till date, the petitioner did not comply with the said condition. Therefore, there are specific allegations as against the petitioner to attract the offences under Sections 406, 420 and 120B of IPC. He further submitted that all the accused had introduced several persons to invest money and thus so far three victims have lodged a complaint and registered FIRs, in which the petitioner is arrayed as second accused.



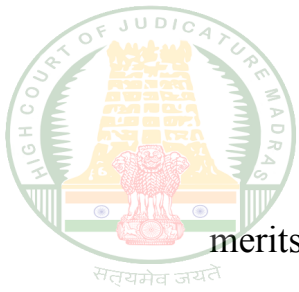
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5. Heard the learned Counsel appearing on either side

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 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



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



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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 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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accordance with the known procedure;

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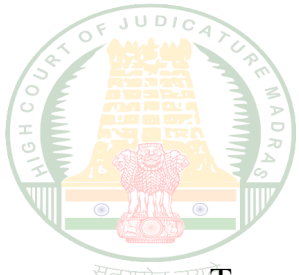
.....
xv) *When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits 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 Nos.75, 76 & 77 of 2024 and file a final report within a period of twelve weeks from the date of receipt of copy of this Order.

10. Accordingly, these Criminal Original Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

05.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1.The Inspector of Police
K5, Peravallur Police Station,
Chennai - 600 082.

2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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