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Crl.O.P.No. 6476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

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

Crl.O.P.No.6476 of 2025 and
Crl.M.P.No.4134 of 2025

Vinoth @ Nandha Kumar

... Petitioner

Vs.

State by

1. Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Crime No.27 of 2023)

2. Subburayan

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records concerned in FIR in Crime No.27 of 2023 on the file of Inspector of Police, Maruvathur Police Station, Perambalur District and quash the same.

For Petitioner : M/s.R.Hemalatha

For R1 : Mr.A.Gopinath,



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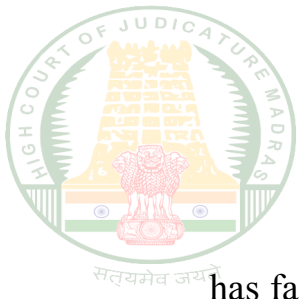
Government Advocate (crl.side)

ORDER

This petition has been filed to quash the FIR in Crime No.27 of 2023 on the file of the first respondent, registered for the offence under Sections 294(b), 323, 324, 506(2) of IPC and Section 4 of Tamil Nadu prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution is that on 12.02.2023, at around 4.45 p.m., the defacto complainant after attending a Kumabbishekam ceremony with his family, went to his agricultural land. It is alleged that the petitioner, along with other accused persons, assaulted the defacto complainant at the spot. Based on this incident, a complaint was lodged and an FIR was registered as against the petitioner and others in Crime No.27 of 2023 for the offence under Sections 294(b), 323, 324, 506(2) of IPC and Section 4 of Tamil Nadu prohibition of Harassment of Women Act, 2002.

3. The learned counsel for the petitioner submits that the present FIR is a counter-complaint. It is contended that the defacto complainant



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has falsely implicated all members of the petitioner's family. A complaint had already been lodged by the petitioner regarding the same incident, and based on that, a case in Crime No. 28 of 2023 was registered against the second respondent for offences under Sections 294(b), 323, 324, and 506(ii) IPC, and the same is presently under investigation. It is further submitted that the petitioner is a student who has cleared the Group-IV examination, and no specific overt act has been attributed to him in the complaint. Therefore, the petitioner seeks quashing of the FIR on the ground that continuation of the investigation would amount to abuse of process of law

4. The learned Government Advocate (crl.side) submitted that the investigation is still at a nascent stage and that both complaints in Crime No.27 of 2023 and Crime No.28 of 2023 pertain to the same occurrence. Therefore, a detailed investigation is required to ascertain the sequence of events and the respective roles of the parties involved. Hence, he prays for dismissal of this petition.



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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 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 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.

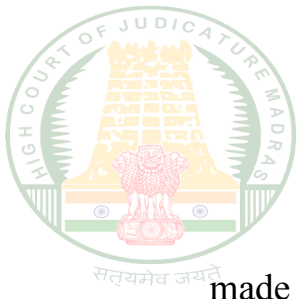
7. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (CrI.A.No.255 of 2019*** dated **12.02.2019**) held that the learned Magistrate while taking cognizance and summoning, is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



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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*



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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 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.27 of 2023. However, the first respondent is directed to conduct a comprehensive investigation in both Crime Nos.27 and 28 of 2023, strictly in accordance with the



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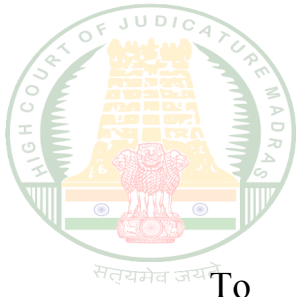
guidelines laid down in Standing Order No. 566 of the Police Standing Orders and file the final report within a period of eight weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

10. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

10.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1. Inspector of Police,
Maruvathur Police Station,
Perambalur District.

2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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