



WEB COPY



Crl.O.P.No.8849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM:

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

Crl.O.P.No. 8849 of 2025

and

Crl.M.P No.5855 of 2025

1.Dinoja

2.Kamalendiran

.... Petitioners

.Vs.

1.The State Rep.by its
The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District

2.The Village Administrative Officer
Kurinjipadi North
Kurinjipadi Taluk
Cuddalore District.

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the FIR in Crime No.77 of 2024 dated 16.03.2024 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.V.Elangovan

For R1 & R2 : Mr.A.Gopinath
Government Advocate (Crl.Side)



Crl.O.P.No.8849 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.77 of 2024 on the file of the first respondent, for the offences punishable under Sections 420, 465, 468, 471 and 109 of IPC.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents. Perused the materials available on record.

3 The case of the prosecution is that the 1st petitioner, who was residing in Srilankan Refugee Camp, had applied for an Aadhaar card online by submitting false address proof with the help of A2. Subsequently, the 1st petitioner obtained Aadhaar card bearing No.4727 4185 1485, using the address of A2. Further, the 1st petitioner and A4 jointly purchased a property admeasuring 1365 sq.ft. in R.S.No.18/10-A1A1A1, Plot No.9, Paramasivam Nagar, Kurinjipadi Village, Cuddalore District, from one Adhilingam, for a sum of Rs.6,00,000/- by fabricating the documents and registered the sale deed vide Document No.3336/2022. Subsequently, the said property was sold to one Elangovan, who is the brother-in-law of the 2nd petitioner, for a sum of Rs.35,60,000/-. The petitioners availed ration commodities, cash gift and



Crl.O.P.No.8849 of 2025

WEB COPY

other benefits exclusively meant for Srilankan Refugees. Thereafter, the address linked to their Aadhaar Cards was changed to the Srilankan Refugee Camp from Veliyangudi. The petitioners are alleged to have suppressed that they are Srilankan Citizens and falsely claimed to be residents of Tamil Nadu to obtain Aadhaar cards. Further, they purchased the property by producing false documents. Hence, the present case has been registered against them.

4. It is evident that the petitioners suppressed the fact that the first petitioner is a Srilankan and obtained Aadhaar card and subsequently registered the property document in her favour. Subsequently, the said document was later cancelled. That apart, this Court finds no ground to quash the FIR in Crime No.77 of 2024.

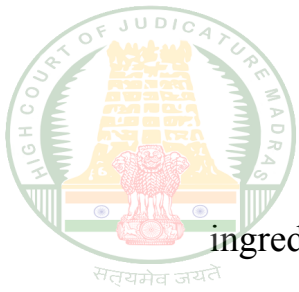
5. It is seen from the First Information Report that there are specific allegations as against the petitioners to attract the offence, which has to be investigated in depth. Further the FIR is not an encyclopedia and it need not contain all facts and it cannot be quashed in the threshold. This Court 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.

WEB COPY

6. 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 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



Crl.O.P.No.8849 of 2025

WEB COPY

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.

7. 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*



WEB COPY



Crl.O.P.No.8849 of 2025

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 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;”

8. 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.77 of 2024 and file a final report within a period of twelve weeks from the date



Crl.O.P.No.8849 of 2025

of receipt of copy of this Order, before the jurisdiction Magistrate, if not

WEB CO already filed.

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

25.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
LPP

To

1.The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District

2.The Village Administrative Officer
Kurinjipadi North
Kurinjipadi Taluk
Cuddalore District.

G.K.ILANTHIRAIYAN, J.

Lpp

3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.O.P.No.8849 of 2025

Crl.O.P.No.8849 of 2025

25.03.2025