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Crl.O.P.No.7681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

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THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7681 of 2025

and

Crl.M.P.No.4961 of 2025

1. S. Arivazhagan
2. S. Dinesh
3. M. Sakthivel
4. N. Naveen

... Petitioners

Versus

- 1.State Rep. By,
The Inspector of Police,
Triplicane Police Station,
Triplicane, Chennai.
(Crime No.8 of 2024)

2. K. Ithaya Chanthiran

... 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 First Information Report registered in Crime No.8 of 2024 on the file of the Triplicane Police Station, Triplicane, Chennai District and quash the same.

For Petitioners : Mr. R. Muruga Bharathi

For Respondents : Mr. A. Gopinath, (for R1)
Government Advocate (Criminal Side)

ORDER



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This petition has been filed to quash the F.I.R. in Crime No.8 of 2024

WEB registered by the first respondent police for offences under Sections 143, 341, 294(b), 336, 353 and 506(ii) of the Indian Penal Code, (IPC) 1860.

2. The case of the prosecution is that the defacto complainant had lodged a complaint alleging that on 12.01.2024 at about 16:00 hours, as he was working as a Driver in Perampur Depot at Metropolitan Transport Corporation, Chennai, on that day morning as usual he had taken the bus No.29A (FLEET) No.PRJ0072, bearing Registration No.TN 01 N 9964. While driving towards Triplicane Bells Road at 09:15 A.M., in front of Government Kasthuribai Gandhi Maternity Hospital, the Presidency College students blocked the path of the bus, shouted and threatened the de-facto complainant with dire consequences. Based on this, the respondent police registered the aforementioned crime number against the petitioners for the aforesaid alleged offences.

3. The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.8 of 2024, for the offences under Sections 143, 341, 294(b), 336, 353



and 506(ii) of the IPC, as against the petitioners. Therefore, he prayed to quash

the same.

4. The learned Government Advocate (Criminal side) appearing for the first respondent submitted that the investigation is almost completed and the respondent police have only to file a final report in this case.

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 these petitioners to attract the offences, 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 its 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



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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 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 :-

“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*



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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, considering the crime is of the year 2024, the first respondent is directed to complete the investigation in Crime No.8 of 2024 and file a final report within a period of six months from the date of receipt of copy of this order, before the jurisdiction Magistrate, if not already filed.



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WEB COPY 10. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is also closed.

17.03.2025

Index : Yes/No
Speaking order /Non-Speaking order
Neutral Case Citation: Yes/No

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To

1.The Inspector of Police,
Triplicane Police Station,
Triplicane, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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