



WEB COPY

WP No. 8545 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 8545 of 2024

AND

WMP NO. 9489 OF 2024 & WMP NO. 9490 OF 2024

Hemalatha

D/o Shanmugam

No.22, Plot No 21

Andal Avenue, Gandhi Nagar,

Velachery, Chennai 600 042.

Petitioner(s)

Vs

1. The State

Represented by Inspector of Police,

J13 Tharamani Police Station,

Kanagam Tharamani, Chennai 600 113.

2.Dr. Kamal Usain

Veterinary Officer,

Metropolitan Chennai Corporation,

Rippon Building,

EVR Periyar Salai, Chenani 03.

Respondent(s)

PRAYER: Writ petition has been filed under Article 226 of the Constitution of



India praying for the issuance of Writ of Certiorari, calling for the records in connection with the impugned FIR in Crime No 67 of 2024 on the file of the 1st Respondent.

WEB COPY

For Petitioner(s): Mr.Ali Hassan Khan

For Respondent(s): Mr.K.M.D.Muhilan
Government Advocate For R1
R2-no Appearance

ORDER

Challenging the FIR in Crime No.67 of 2024 on the file of the first respondent, the petitioner had filed the present petition.

2. At the outset, Mr.Ali Hassan Khan, learned counsel for the petitioner on record submitted that the entire bundle of this case has been handed over to the petitioner.

3. None appeared on behalf of the petitioner when the matter was called.

It is noticed that the petitioner has failed to engage any counsel to represent the case on her behalf or in person before this Court.



4. Heard the learned Government Advocate and perused the materials available on record.

WEB COPY

5. On perusal of the records, it appears that on a complaint given by the 2nd respondent, and in compliance with the order dated 29.11.2023 passed in W.P.No.19749 of 2022, the Corporation Official along with the police personnel who had accompanied them for their protection to remove the dogs from the petitioner's house. When the Corporation Official along with the police personnel entered the petitioner's house, the petitioner had verbally abused the officials and had beaten up the police officials and the Corporation Staff and a lady from the same street and had attacked using the keys in her hand intimidated with death threats. Hence, the FIR was registered as against the petitioner under Section 294(b), 353, 332 and 506(1) of IPC.

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 encyclopaedia and it need not



WEB COPY

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 into investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

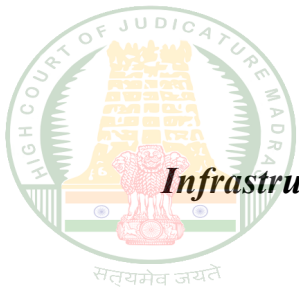
7. The Hon'ble Supreme Court of India in the case reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019 dated 12.02.2019)*** held that the learned Magistrate while taking cognizance and summoning, is required to apply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



WEB COPY

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 :-

WEB COPY

“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 accordance with the known procedure;

.....

xv) When a prayer for quashing the FIR is made by the



WEB COPY

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.

10. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27-02-2025

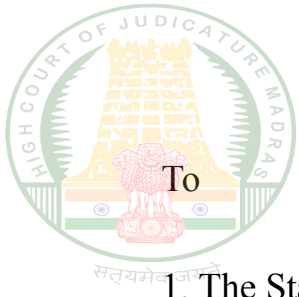
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd



WP No. 8545 of 2024



To

1. The State

Represented by Inspector of Police,

J13 Tharamani Police Station,

Kanagam Tharamani, Chennai 600 113.

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



WEB COPY

WP No. 8545 of 2024



G.K.ILANTHIRAIYAN J.
jd

WP No. 8545 of 2024

27-02-2025