



Crl.O.P.No.10660 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

Crl.O.P.No.10660 of 2025

1. Selvaraj
2. Prakasam
3. Jameenthar
4. Manikandan

... Petitioners

Vs

1. State Rep by its
The Inspector of Police,
Sendurai Police Station,
Sendurai,
Ariyalur District.

2. Selvaseeman

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the First Information Report as far as the petitioners concerned in Crime No.39 of 2025 on the file of the first respondent, the Inspector of Police, Sendurai Police Station, Ariyalur District.

For Petitioners : Mr.M.Saravanakumar
For R1 : Mr.R.Vinothraja
Government Advocate (Crl.side)



Crl.O.P.No.10660 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.39 of 2025 on the file of the first respondent police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials available on record.

3. The case of the prosecution is that on 17.02.2025, the first accused, while under the influence of alcohol, abused the mother of the second respondent in filthy language as she was passing by. When it was questioned by her, all the accused assaulted her. Subsequently, when the second respondent came to rescue her mother, he was also assaulted by the accused with a wooden log. Therefore, both the second respondent and his mother sustained injuries and admitted into the hospital. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered FIR in Crime No.39 of 2025 for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS, 2023.



Crl.O.P.No.10660 of 2025

5. The learned counsel for the petitioner would submit that the third and fourth petitioners were not present on the date of alleged occurrence. That apart, there is a counter complaint and the same has been registered in Crime No.40 of 2025 for the offences punishable under Sections 296(b) and 115(2) of BNS, 2023.

6. On instructions, the learned Government Advocate (Crl.side) appearing for the first respondent submitted that there are specific allegations as against the petitioner to attract the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS, 2023. The petitioners are the real aggressor and in order to escape from the clutches of law, they lodged a complaint as if they have sustained injuries. However, there was no injury sustained by the petitioners.

7. That apart, now, it is in FIR stage, 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



Crl.O.P.No.10660 of 2025

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

8. 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 ingredients of the offence are disclosed, there would be no justification to interfere. At the initial stage of issuance of process, it is not 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.

9. 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 :-

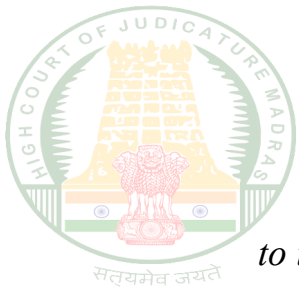
“23. 7

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*



WEB COPY

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 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;”

10. In view of the above discussions, this Court is not inclined to quash the First Information Report in Crime No.39 of 2025, on the file of the respondent police. The first respondent is directed to complete the investigation



Crl.O.P.No.10660 of 2025

in Crime Nos.39 and 40 of 2025 and file a final report, after following the guidelines issued under Section 566 of the Police Standing Order, within a period of twelve weeks from the date of receipt of a copy of this order.

11. Accordingly, this Criminal Original Petition is dismissed.

09.04.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

mn



WEB COPY



Crl.O.P.No.10660 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Inspector of Police,
Sendurai Police Station,
Sendurai,
Ariyalur District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10660 of 2025

09.04.2025