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CrI.O.P.No.9748 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9748 of 2025

and

CrI.M.P.No.6462 of 2025

1. C.S.Suresh Arumugam
2. Balachandran
3. Vijayalakshmi Shanmugam
4. Nandhini

... Petitioners

Vs

1. State, Represented by,
The Inspector of Police,
Singanallur Police Station,
Coimbatore City.

2. Jayaraja

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.N.S., to call for the records and quash the FIR in Crime No.580 of 2024 on the file of the Inspector of Police, Singanallur Police Station, Coimbatore.



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For Petitioners : Mr.A.Nagarajan

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

ORDER

This petition has been filed to quash the F.I.R. in Crime No.580 of 2024 registered by the first respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(1) of IPC, as against the petitioners.

2. The case of the prosecution is that the first to third petitioners and one Shree Krishnaraj are the Directors of M/s. Evolve Bath & Living Pvt. Ltd. During the year 2015, the first to third petitioners approached the de-facto complainant/second respondent to invest in their Company and lured him stating that he can get lucrative yields by way of dividend. Believing their words, the de-facto complainant invested a sum of Rs.10,00,000/- in the abovesaid Company, but he was not provided with any documents allotting shares in the said Company. Since the de-facto complainant was not allotted any shares in the said Company, he lodged a



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complaint with the Assistant Commissioner of Police, Singanallur on 14.01.2023. Only thereafter, the petitioners, on 03.03.2023, issued Share Certificate dated 06.05.2016. However, the petitioners failed to provide the Income Tax Returns of the Company. Thereafter, during the year 2018, the petitioners assured to take back the shares issued in favour of the de-facto complainant by paying a sum of Rs.10,00,000/- along with accrued dividends after March 2021, but have not paid till date. On 28.07.2024, when the de-facto complainant approached the first petitioner with regard to the payment of Rs.10,00,000/-, the first and second petitioners refused to pay him back him and threatened him of dire consequences. In such circumstances, the de-facto complainant has lodged a complaint dated 30.11.2024 before the first respondent and FIR in Crime No.580 of 2024 was registered against the petitioners for the alleged offences under Sections 406, 420, 294(b) and 506(1) of IPC.

3. The learned Counsel appearing for the petitioners would submit that this case is completely a civil transaction between the petitioners and the second respondent. That apart, already the first and second petitioners have filed a petition to direct the first respondent not to harass them based on the



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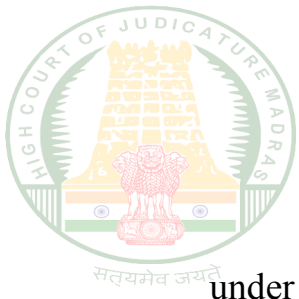
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complaint lodged by the second respondent in Crl.O.P.No.24934 of 2024 before this Court. This Court, by order dated 14.10.2024, specifically directed the first respondent not to interfere in the civil dispute pending between them and harass the petitioners under the guise of an enquiry. He would further submit 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.580 of 2024 for the offences punishable under Sections 406, 420, 294(b) and 506(1) of IPC, as against the petitioners. Hence, he prayed to quash the same.

4. The learned Government Advocate (Criminal Side) would submit that the investigation is almost completed and the first respondent police have only to file final report.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

6. On a perusal of the complaint lodged by the second respondent, it reveals that the averments attract the ingredients to constitute the offences



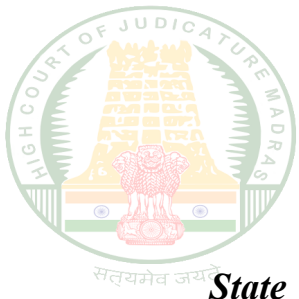
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under Sections 406, 420, 294(b), and 506(i) of IPC. Therefore, it cannot be said that it is a civil dispute pending between the petitioners and the second respondent. Though the second respondent filed a commercial suit against the petitioners and it is pending in C.O.S.No.10 of 2022 on the file of the learned Principal Subordinate Judge, Tiruchengode, it has nothing to do with the present First Information Report, since the suit is filed for recovery of money.

7. 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.

8. The Hon'ble Supreme Court of India in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The***



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State of Maharashtra & Ors., (Crl.A.No.255 of 2019 dated 12.02.2019)

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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



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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.

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*



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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. However, the first respondent is directed to complete the investigation in Crime No.580 of 2024 and file a final report



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within a period of three months from the date of receipt of a copy of this order, before the jurisdiction Magistrate, if not already filed.

11. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
Singanallur Police Station,
Coimbatore City.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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