

Crl. O.P. No. 10226 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 10226 of 2025

and

Crl. M.P. No. 6794 of 2024

Vikram Deep Sharma

... Petitioner

Vs.

1.State Rep., by
The Inspector of Police,
CCD – II Police Station,
Villupuram District.

2.Rajasekar

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the FIR in Crime No.60 of 2024 pending investigation on the file of the first respondent police and thus render justice.

For Petitioner : Mr. Anilendra Pandey
for Mr. K. Gandhi Kumar

For Respondent : Mr. R. Vinothraja, for R1
Government Advocate (Crl. Side)



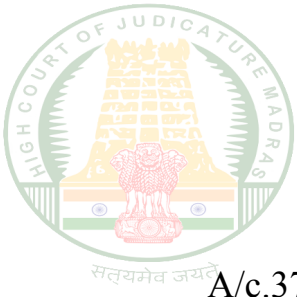
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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No. 60 of 2024 on the file of the first respondent police.

2. The case of the prosecution is that on 12.08.2024 at about 16.00 hours, the Sub Inspector of Police attached to the respondent police herein received the complaint from the defacto complainant that he is with his family and has completed his studies upto 12th standard. Further stated that he worked at Singapore as a Water Mechanic and currently doing agriculture. On 26.08.2020 the defacto complainant registered his details in a link given in a newspaper advertisement for the purpose of getting job at abroad. Thereafter, he received a call by stating his name as Vikram Deepak Sharma and added that he is an immigration lawyer and informed to get job at Canada as worker and sought for processing fee, document charge, Visa, medical, salary account opening and flight ticket. Further, the defacto complainant on believing that, has sent through G.Pay (7402578440) attached with SBI A/c.30799625204, G-Pay Number 8248794880 attached with DBS A/c.0106301000059591 from 28.08.2020 to 16.02.2023 a sum of Rs.5,15,500/- to the SBI



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A/c.377308014014 IFC SBIN0015990 and a sum of Rs.54,600/- to G-Pay(9024578322) in 32 instalments. But the petitioner by stating various reasons has delayed the process. Hence, the case.

3. Learned counsel for the petitioner would submit that the petitioner is seeking only a meagre amount for processing his visa to visit abroad. However, on the said process, the application submitted by the victim for visit. Therefore, the petitioner is nothing to do with the crime as alleged by the prosecution.

4. On perusal of the FIR, the petitioner received a sum of Rs.5,70,100/- for obtaining job in abroad. However, the petitioner failed to get any job and also refused to return the amount and therefore, the offence under Section 420 IPC and 66D of Information Technology Act, 2000 is clearly attracted as against the petitioner.



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5. The Hon'ble Supreme Court of India passed 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,



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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.

6. 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*



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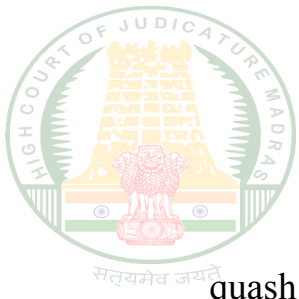
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relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to 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 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;”

7. In view of the above discussions, this Court is not inclined to



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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.60 of 2024 and file a final report within a period of 12 weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

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

07.04.2025

Index : Yes/No
Neutral citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

AT

To

1.The Inspector of Police,
CCD – II Police Station,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

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