



Crl.O.P.No.9758 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9758 of 2025

and

Crl.M.P.No.6469 of 2025

1. V.R.Suriyanaryanan
2. S.Rugmani

... Petitioners

Vs

1. The State rep. by
The Inspector of Police,
Central Crime Branch,
Coimbatore City Police,
Coimbatore.
(Crime No.16 of 2023)

2. Dhamas Sandi

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.N.S., to quash the impugned FIR in Crime No.16 of 2023 on the file of the 1st respondent police by allowing this Criminal Original Petition.

For Petitioners : Mr.R.T.Vishnu

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

ORDER



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This petition has been filed to quash the F.I.R. in Crime No.16 of 2023 registered by the first respondent police for offences under Sections 120B, 465, 468, 471 and 420 of IPC, as against the petitioners.

2. The case of the prosecution is that one C.L.Francis, who is the owner of the lands measuring 1.54 acres comprised in S.F.No.132/2, Sundakamuthur Village, Coimbatore South Taluk, Coimbatore District, had sold 95 cents of it to different person during the period between 1993 to 1995 and had allegedly sold the remaining 59 cents to the second respondent/de-facto complainant by virtue of a sale deed dated 01.09.2006 (Doc.No.3582/2006 - Madathukulam SRO) extinguishing his right over the same. Meanwhile, the first petitioner being the power agent of the said C.L.Francis, sold 59 cents of land to the second petitioner, who is his wife, by virtue of a sale deed dated 29.12.2006 (Doc.No.6076/2006 - Madathukulam SRO). Thereafter, the second petitioner had executed a General Power of Attorney deed dated 28.10.2021 (Doc.No.7838/2021 - Madathukulam SRO) in favour of the third accused, viz., Masaiyan. After the cancellation of those documents by complaining before the District

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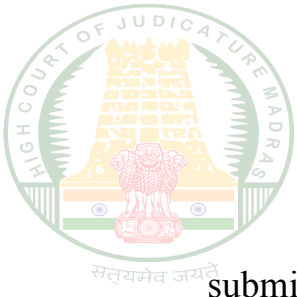
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Registrar (Admn.)/Deputy IG of Registration, Coimbatore, the de-facto complainant has lodged a complaint dated 18.04.2023 before the first respondent and FIR in Crime No.16 of 2023 was registered against the petitioners and another for the alleged offences under Section 120B, 465, 468, 471 and 420 of IPC.

3. The learned Counsel appearing for the petitioners would submit that after a period of several years, the present complaint has been lodged before the first respondent. That apart, the second respondent already approached the District Registrar under Section 77A of the Registration Act, 190 (hereinafter referred to as the Act' for short). Now, the provision under Section 77A of the Act has been declared as unconstitutional. Therefore, the First Information Report cannot be sustained. 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.16 of 2023 for the offences under Sections 120B, 465, 468, 471 and 420 of IPC, as against the petitioners. Hence, he prayed to quash the same.

4. The learned Government Advocate (Criminal Side) would



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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 records, it is revealed that though this Court declared the provision under Section 77A of the Act as unconstitutional, the District Registrar has the power to declare the said document as fraudulent and also can direct the Sub-Registrar to initiate criminal proceedings against the person who committed fraud. Therefore, the present First Information Report in Crime No.16 of 2023 is very much sustainable for further investigation. That apart, the averments made in the First Information Report clearly attract the offences under Sections 120B, 465, 468, 471, and 420 of IPC.

7. It is seen from the First Information Report that there are specific allegations as against the petitioners to attract the offence, which has



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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 Pokarnekhar 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



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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 judgement reported in **2021 SCC Online SC 315** in the case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & Ors.***, as follows :-



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“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 alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider*



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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.16 of 2023 and file a final report within a period of three months from the date of receipt of 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,
Central Crime Branch,
Coimbatore City Police,
Coimbatore.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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