



Crl.O.P.No.10694 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.10694 of 2025
and Crl.M.P.No.7139 of 2025

1. Dineshkumar
2. Latha
3. Saravanan

... Petitioners

Vs

1. The State Rep. by
The Inspector of Police,
District Crime Branch,
Namakkal district.
(Crime No.14 of 2024)

2. Dhaneshkumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the proceedings against the petitioners in Crime No.14 of 2024 pending on the file of first respondent police.

For Petitioners	: Mr.M.Vignesh
For R1	: Mr.R.Vinothraja Government Advocate (Crl.side)
For R2	: Mr.R.John Sathyan, Senior Counsel for Mr.T.Dhasarath



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.14 of 2024 on the file of the first respondent police.

2. Heard both sides and perused the materials available on record.

3. The case of the prosecution is that the defacto complainant is running a business under the name and style of “Vaisyalakshmi Drilling Equipments”. The first accused had been employed as Sales Incharge in the spare parts section for the past five years. Owing to the trust reposed in him, the defacto complainant entrusted A1 with the responsibility of handling sales. However, A1 allegedly sold rigged equipment procured by the company without issuing sales bills, misappropriated the sale proceeds, and falsely showed the items as being in stock. Upon a stock verification triggered by a report from the manager regarding shortages, the defacto complainant confronted A1 on 04.07.2024 and demanded the stock and sales accounts. A1 promised to produce them the next day but absconded from duty from 05.07.2024 onwards. Upon further inquiry, it was discovered that A1 had been misappropriating funds and manipulating records since 2019. It is further



alleged that the petitioners, being A1's family members colluded with him in the act of cheating. Despite being called upon, A1 has failed to return the company accounts. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered FIR in Crime No.14 of 2024 for the offences punishable under Sections 408, 477A and 109 of IPC.

5. The learned counsel for the petitioners would submit that the petitioners are not the employees of the second respondent and they have been falsely implicated as accused.

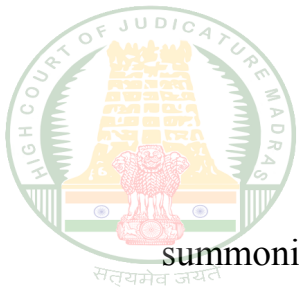
6. A perusal of records and also on the submissions made by the learned Senior Counsel appearing for the second respondent revealed that the first accused was an employee of the second respondent. He had sold out the spare parts of rigged equipment to the tune of more than Rs.4 Crores and has not accounted the same. He also maintained the records as if the stocks are very much available in the shop called "Vaisyalakshmi Drilling Equipments". Thereafter, the misappropriated amount has been transferred to the account of



the petitioner and they have also actively participated in the crime committed by the first accused.

7. A perusal of FIR revealed that there are specific allegations as against the petitioners to attract the above said offences. 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 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 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 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.



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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 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;*



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.....
(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.14 of 2024, on the file of the respondent police. The first respondent is directed to complete the investigation in Crime No.14 of 2024 and file a final report, 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. Consequently, connected Miscellaneous petition is closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Inspector of Police,
District Crime Branch,
Namakkal district.
2. The Public Prosecutor,
High Court, Madras.

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