

CrI.OP.No.11122 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.04.2025

CORAM:

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

CrI.O.P.No.11122 of 2025

and

CrI.MP.No.7351 of 2025

K.Suresh

... Petitioner

Vs.

1. State by

The Inspector of Police,
Job Racket Wing,
Central Crime Branch,
Avadi Commissionerate,
Avadi, Chennai-600 054.

2. Rajasekar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in Cr.No.114 of 2024, pending investigation on the file of the first respondent police Job Racket Wing, Central Crime Branch, Avadi Commissionerate, Avadi, Chennai-600 054 and quash the same.



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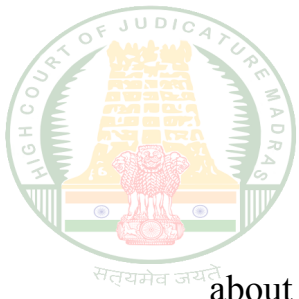
For Petitioner : Mr.D.Thanush Kumar
For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
for R1
: Mr.M.Guberamoorthy for R2

ORDER

This petition has been filed to quash the first information report registered in Crime No.114 of 2024 on the file of the first respondent police.

2. On the complaint lodged by the second respondent, the first respondent registered an FIR in Cr.No.114 of 2024 for the offence under Sections 406 and 420 of IPC for the allegations that the second respondent had paid a sum of Rs.38,95,000/- in order to get the job of Public Relation officer. Thereafter, the petitioner has failed to secure any job and refused to return the amount to the second respondent. Thereby, the petitioner has cheated the second respondent for a sum of Rs.38,95,000/-

3. The learned counsel appearing for the petitioner submits that the second respondent and his partner is running a jewellery shop at Chennai, in which the defacto complainant had pledged gold weigh



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about 797 grams and received a sum of Rs.38,95,240/- for the pledged ornaments. Thereafter, the petitioner is unable to redeem his gold ornaments. Hence, the petitioner had requested the second respondent to sold his gold ornaments and realize the amount. Apart from the realization amount the second respondent had claimed further amount, which is refused by the petitioner. Hence, he had given his false complaint against the petitioner, as if he had received the said amount for getting job. Since, if he claims the real fact, the second respondent should pay further amount to the petitioner. Hence, the complaint.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and prayed for dismissal.

5. The learned Advocate appearing for the second respondent submits the petitioner has cheated the defacto complainant to the tune of Rs.38,95,000/- under the guise of getting job.

6. Heard the learned counsel for the petitioner, the learned Government Advocate and the learned counsel for the second



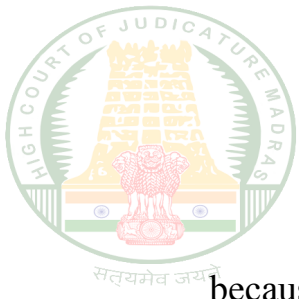
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respondent and perused the materials available on records.

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7. It is seen from the First Information Report that there are specific allegations as against the petitioner to attract the offences 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.

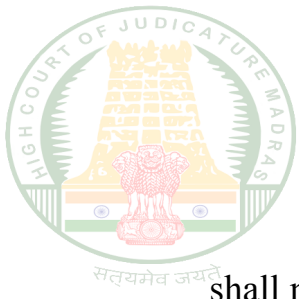
8. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019 dated 12.02.2019)*** held that the learned Magistrate while taking cognizance and summoning, is required 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,



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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 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



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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 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*



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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, considering the crime is of the year 2024, the first respondent is directed to complete the investigation in Crime No.114 of 2024 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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24.04.2025

Vv

To

1. The The Inspector of Police,
Job Racket Wing,
Central Crime Branch,
Avadi Commissionerate,
Avadi, Chennai-600 054.
2. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

Vv



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