



CRL.O.P.No.12008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 22.04.2025

CORAM:

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

Crl.O.P.No.12008 of 2025
and Crl.M.P.No.7979 of 2025

1. K.Vijesh
2. G.Manivannan

... Petitioners

Vs.

1. The State Rep. by
The Inspector of Police,
N4, Fishing Harbour
Police Station,
Chennai.

2. Rajendra babu
President,
Chennai Val Fishermen Visai
Padagu Owner Sangam

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for records relating to the Crime No.63 of 2025 pending on the file of the Inspector of Police, N4 and Fishing Harbor Police Station, Chennai and quash the same.

For Petitioner : Mr. M.Velmurugan

For Respondents

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

For R2 : Mr. N.Manikandan



CRL.O.P.No.12008 of 2025

ORDER

WEB COPY

This petition has been filed to quash the F.I.R. in Crime No.63 of 2025 registered by the first respondent police for offences punishable under Sections 127, 308(3), 351(2) of BNS and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, as against the petitioners.

2. On the complaint lodged by the second respondent, the first respondent registered FIR in Crime No.63 of 2025, alleging that the petitioners stopped the lorries driven by the second respondent's members and asked mamool and also caused damage to the tune of Rs.53,000/-. It was also photographed by the said member.

3. The learned Counsel appearing for the petitioners submitted that it is only counter blast to the complaint lodged by the first petitioner dated 01.01.2025 in C.S.R.No.2 of 2025 alleging that one of the lorries bearing registration No.KL-42-Q-5758, loaded with sea waste in order to dump the same in the harbour and the same was prevented by the petitioners. Therefore, in order to wreck vengeance as against the petitioners, false case has been foisted as against the petitioners. Though the first petitioner lodged complaint, he was issued with CSR only and the first respondent did not register any FIR



CRL.O.P.No.12008 of 2025

so far. He Further submitted that on the occurrence taken place on 01.01.2025, the FIR has been registered only on 07.02.2025. There is absolutely no explanation for the huge delay in lodgement of the complaint.

4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police is yet to file final report.

5. Heard the learned Counsel appearing on either side and perused the materials placed on record.

6. On perusal of the FIR, it is revealed that the petitioners stopped the lorry and demanded mamool. They also completely damaged the wind screen of the lorry and caused damage to the tune of Rs. 53,000/-. Further for the occurrence taken place on 01.01.2025, the second respondent lodged complaint on 04.01.2025 and he was issued with C.S.R.No.3 of 2025. However, the FIR was registered only on 07.02.2025. Therefore, there is no delay in lodgement of the complaint. Therefore, there are specific allegations against the petitioners to attract the offence under Sections 127, 308(3), 351(2) of BNS and Section 3 of the Tamil Nadu Public Property (Prevention of



CRL.O.P.No.12008 of 2025

Damage & Loss) Act. Further the petitioners lodged complaint on 01.01.2025,

and the entire allegations are completely different that too as against the lorry bearing registered No.KL-42-Q-5758. The present FIR, which is impugned in this petition is completely different one and the lorry involved in this case is also different one.

7. Further 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.

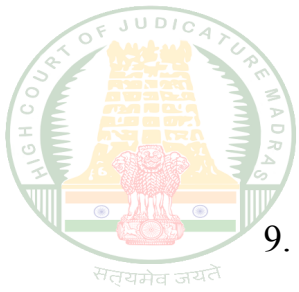
8. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekhar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019*** dated **12.02.2019**) held that the learned Magistrate while taking cognizance and summoning, is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



CRL.O.P.No.12008 of 2025

WEB COPY

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 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.



WEB COPY

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 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*



CRL.O.P.No.12008 of 2025

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 nature of the crime, the first respondent is directed to complete the investigation in Crime No.63 of 2025 and file a final report within a period of eight weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed. Further the first respondent is also directed to conduct enquiry on the complaint lodged by the first petitioner in C.S.R.No.2 of 2025 and dispose the same on merits and in accordance with law.

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

22.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



CRL.O.P.No.12008 of 2025

G.K.ILANTHIRAIYAN, J.

WEB COPY

To

1. The Inspector of Police,
N4, Fishing Harbour
Police Station,
Chennai.

2. The President,
Chennai Val Fishermen Visai
Padagu Owner Sangam.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12008 of 2025
and Crl.M.P.No.7979 of 2025

22.04.2025