



Crl.O.P.No.12123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM:

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

Crl.O.P.No.12123 of 2025
and Crl.M.P.No.8078 of 2025

M.Sakthivel

... Petitioner

Vs

1. The State Rep By
The District Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
2. The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.

3. Pandiayan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 /Section 482 Cr.P.C. to call for the records and quash the proceedings in Crime No.80 of 2025 pending on the file of the Respondent.

For Petitioner : Mr.K.Karthik

For R1 and R2 : Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.80 of 2025 on the file of the first respondent police.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first and second respondents and perused the materials available on record.

3. On the complaint lodged by the second respondent, the second respondent registered FIR in Crime No.80 of 2025, for the offences punishable under Sections 126(2), 296(b) and 115(2) of BNS, 2023 and Sections 3(1)(r), 3(2)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, as against the accused alleging that the defacto complainant is working as a labour in the petitioner's company. The petitioner used to frequently visit the house of the defacto complainant. While being so, the defacto complainant found that the petitioner had developed illegal intimacy with his wife. Therefore, the defacto complainant separated from his wife and started residing in Chennai. When the defacto complainant went to meet his children near the bus stand, the petitioner approached him, abused him in filthy language, assaulted him and also threatened him with dire consequences.



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4. The learned counsel for the petitioner would submit that a false case has been foisted as against the petitioner.

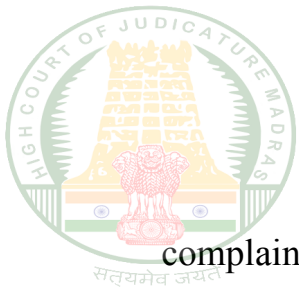
5. A perusal of FIR revealed that there are specific allegations as against the accused to constitute the offences under Sections 126(2), 296(b) and 115(2) of BNS, 2023 and Sections 3(1)(r), 3(2)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act. That apart, now, it is in FIR stage, which 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.

6. 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, 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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7. 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*



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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;”

8. In view of the above discussions, this Court is not inclined to quash the First Information Report in Crime No.80 of 2025, on the file of the respondent police. The second respondent is directed to complete the investigation in Crime No.80 of 2025 and file a final report, within a period of twelve weeks from the date of receipt of a copy of this order.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

23.04.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

1. The District Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
2. The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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