



Crl.O.P.No. 12511 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

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

Crl.O.P.No.12511 of 2025

R.S.Rajesh

..... Petitioner

Vs

1. State rep by the Inspector of Police,
H-3, Tondiarpet Police Station,
Washermentpet, Chennai.
(Crime No.56 of 2023)

2. Tamilselvan

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings as against the petitioner in Crime No. 56 of 2023, pending on the file of the first respondent and pass such other necessary orders as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.M.Mohammed Riyaz
For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.56 of 2023 on the file of the first respondent.



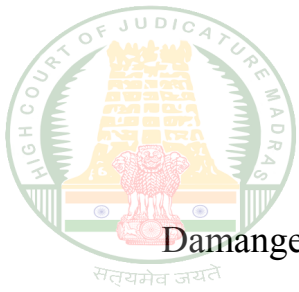
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2. The case of the prosecution is that when the defacto complainant was travelling towards Thiagaraya College, the petitioner, along with other party members, had assembled to distribute offerings on the occasion of 75th birthday anniversary of their former party leader. It is alleged that the petitioner and others caused inconvenience and disturbance by playing loud music, thereby annoying the general public. Hence, the complaint.

3. The learned counsel appearing for the petitioner raised the sole ground of limitation for quashing the FIR. He further submitted that all the offences are punishable with a maximum imprisonment of six months. The FIR has been registered on 05.03.2023. However, the first respondent has neither completed the investigation nor filed the final report.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted based on the complaint, the first respondent registered an FIR in Crime No.56 of 2023 for the offences under Sections 143, 285, 290, 336, 505(2) of IPC, Sections 41(6)(a), 71(xi), 71(xv) of the Tamil Nadu City Police Act, 1888, Section 7(1)(a) of the Criminal Law Amendment Act, 2005 and Section 4 of the Tamil Nadu Public Property (Prevention of



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Damange and Loss) Act, 1992. He further submitted that the investigation is under progress.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

6. Insofar as the offence under Section 505(ii) of IPC is concerned, it is punishable with three years imprisonment. Therefore, it cannot be said that the prosecution is barred by limitation. Further, the petitioner is a habitual offence and there are six previous cases pending against him, which are as follows :

S.No	Crime No. & Section	Stage
1	H3 PS Cr.No.271/2022 u/s.143, 147, 188 IPC and 41(i)(b) CP Act	UI
2	H3 PS Cr No.11/2023 u/s.188, 285, 290 IPC & 71 (XI) CP Act	UI
3	H3 PS Cr No.200/2023 u/s.143, 188 IPC	UI
4	H3 PS Cr No.18/2024 u/s.143, 188 IPC	UI
5	H3 PS Cr No.56/2023 u/s.143, 285, 290, 336, 505(2) IPC & 41(6) & 71(xi) & 71 (xv) CP Act, 7(1)(a) CLA Act & 4 of TN Open Place of Disfigurement Act	UI
6	H3 PS Cr No.870/2024 u/s.189(ii), 223(a) BNS Act and 41(6) CP Act	UI

7. It is seen from the First Information Report that there are



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specific allegations as against the petitioner 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 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



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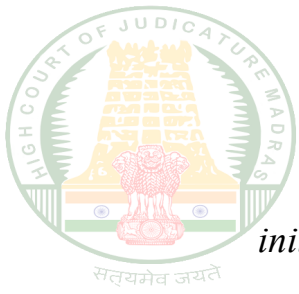
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set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a meticulous analysis of the case should be done before the trial to find 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.

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*



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initial stage;

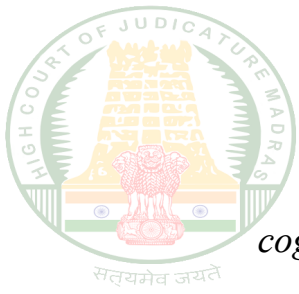
vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

.....

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 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



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cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

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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.56 of 2023 and file a final report within a period of twelve weeks from the date of receipt of copy of this Order.

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

24.04.2025

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

To

1. The Inspector of Police,
State of Tamil Nadu,
H-3, Tondiarpet Police Station,
Washermentpet, Chennai.

2. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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