



WEB COPY



Crl.O.P.No.12714 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12714 of 2025

and

Crl.M.P.No.8404 of 2025

Rajeshkannan

... Petitioner

Vs

State by Inspector of Police,
P.E.W Police Station, Tiruppur.
(Cr.No.50/2024)

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.S.S.,
to call for the records relating to Crime No.50 of 2024 on the file of P.E.W
Police Station, Tiruppur and quash the same.

For Petitioner : Mr.V.Sachin Vinayak

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

ORDER

This petition has been filed to quash the first information report in
Crime No.50 of 2024 pending investigation on the file of the respondent
Police.



Crl.O.P.No.12714 of 2025

WEB COPY

2. The case of the prosecution is that there are two accuseds in total, in which the petitioner is arrayed as the second accused in this case. Both the accuseds were found in possession of ganja weighing 8 kgs 750 grams. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a practising advocate at Ranchi. He is appearing for one of the family members of the first accused before the court. Therefore, he has been falsely implicated in this case. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any basis, the respondent police registered a case in Crime No.50 of 2024 for the offences under Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985, as against the petitioner. Hence he prayed to quash the same.

4. The learned Government Pleader (Crl. Side) appearing for the respondent would submit that the investigation is almost complete and the respondent police yet to file the final report.



Crl.O.P.No.12714 of 2025

WEB COPY

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

6. On a perusal of the First Information Report, it is revealed that both the accuseds travelled in a train and got down at Tiruppur. On secret information, the respondent police and other police officials conducted a search and found them in possession of contraband weighing 8 kgs 750 grams. Both the accuseds were in conscious possession of ganja, and as such, there is a *prima facie* case to register the First Information Report in Crime No.50 of 2024 for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985. Further, there are 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 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



Crl.O.P.No.12714 of 2025

WEB COPY

investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. The Hon'ble Supreme Court of India passed in the judgement 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



Crl.O.P.No.12714 of 2025

WEB COPY

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.

8. 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;*



WEB COPY



CrI.O.P.No.12714 of 2025

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*



WEB COPY



Crl.O.P.No.12714 of 2025

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; ”

9. In view of the above discussions, this Court is not inclined to quash the First Information Report. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

25.04.2025

Index: Yes/No
Neutral Citation/Yes/No
kv

To

1. The Inspector of Police,
P.E.W Police Station, Tiruppur.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



CrI.O.P.No.12714 of 2025

G.K.ILANTHIRAIYAN, J.

kv

CrI.O.P.No.12714 of 2025

25.04.2025