



Crl.O.P.No.12621 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.04.2025

CORAM:

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

Crl.O.P.No.12621 of 2025
and
Crl.M.P.No.8368 of 2025

Tamilmani Chettiappan

... Petitioner

Vs.

1. Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri,
Tamil Nadu - 635001.
Crime No.501 of 2018

2. Sub-Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri,
Tamil Nadu - 635001.
Crime No.501 of 2018

3. Muthunagar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C./Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to quash the FIR dated 20.07.2018 and the alteration Report dated 05.08.2018 in Crime No.501/2018 on the file of the first respondent police.



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For Petitioner : Mr.C.Santhosh Kumar

For Respondents : Mr.A.Gopinath,
Govt. Advocate (Crl. Side) (for R1 & R2)

ORDER

This petition has been filed to quash the F.I.R. in Crime No.501 of 2018 registered by the second respondent police for offences under Sections 294(b), 323 and 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, as against the petitioner and the Alteration Report dated 05.08.2018 filed by the second respondent police altering the offences in the F.I.R. as Sections 294(b), 323 and 307 of IPC and Section 4 of TN Prohibition of Harassment of Women Act.

2. The case of the prosecution is that the petitioner/accused and the third respondent/de-facto complainant are the husband and wife respectively and it has been 25 years since they are married. They have three children (one girl and two boys). The petitioner is working as a Tamil Teacher in Kappalvadi Government High School and it is alleged that the petitioner was dismissed from service as he had some illicit relationship with the girl students. The defacto complainant is running her own Primary School in Seenivasa Colony. On 19.07.2018 at 10.00 p.m., the petitioner had uttered some obscene words in a filthy language towards the defacto complainant and scolded her that she

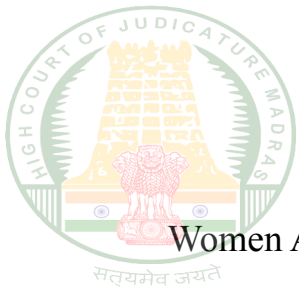


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should not run the said school anymore by grabbing her hair and pulling and beat her. It is further alleged that the petitioner had threatened her very often over a period of years by saying that he would kill her by pouring kerosene and will marry some other person. On 19.07.2018 at night, when the children were not available at house, the petitioner went inside the room of the defacto complainant by breaking the door and beaten her with hand all over her body and further poured kerosene on her and she managed to escape when the petitioner was searching for matchbox and also one Madhan came to rescue the defacto complainant after hearing her screaming. Thereafter, at about 10.10 p.m., the defacto complainant got herself admitted at the Government Hospital, Krishnagiri. The second respondent after coming to know about the said occurrence, went to the said hospital and obtained the alleged statement of the defacto complainant as stated above, which resulted in the registration of the FIR in Crime No.501 of 2018 dated 20.07.2018.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the second respondent police registered a case in Crime No.501 of 2018 for the offences under Sections 294(b), 323 and 307 of IPC and Section 4 of TN Prohibition of Harassment of



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Women Act, as against the petitioner. Hence he prayed to quash the same.

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4. The learned Government Advocate (Criminal Side) would submit that the investigation is almost completed and the respondent police have only to file final report.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first and second respondents and perused the materials placed on record.

6. It is seen from the First Information Report that 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 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 judgment



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reported in **2019 (14) SCC 350** in the case of **Sau. Kamal Shivaji Pokarnekar**

WEB 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 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



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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 :-

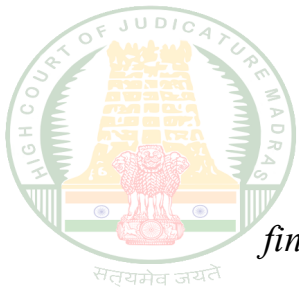
“23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

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*



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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 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. However, considering the crime is of the year 2018, the second respondent is directed to complete the investigation in Crime No.501 of 2018 and file a final report within a period of three months from the date of receipt of a copy of this order, before the jurisdiction Magistrate, if not already filed.

10. Accordingly, this Criminal Original Petition stands dismissed.



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Consequently, connected miscellaneous petition is closed.

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

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To

1. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri,
Tamil Nadu - 635001.
2. The Sub-Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri,
Tamil Nadu - 635001.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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