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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

**Crl.O.P.No.13587 of 2025**
**and Crl.M.P.No.8998 of 2025**

1. Sangeetha Saiprakash
2. Ramya
3. Joseph Sundar Raj
4. Joshua John ... Petitioners

Vs

1. The Inspector of Police (Crime)
   J-2 Adyar Police Station,
   Chennai - 600 020.

2. Johnson Rajkumar ... 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 in FIR Crime No.17 of 2025 on the file of the first respondent, J-2 Adyar Police Station, Chennai, and to quash the same along with all proceedings emanating therefrom, pursuant to the order dated 07.10.2024 passed in Crl.M.P.No.16252 of 2024 by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners : Mr.A.T.John Victor
For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)



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**ORDER**

This Criminal Original Petition has been filed to quash the FIR in Crime No.17 of 2025 on the file of the respondent police along with all proceedings emanating therefrom, pursuant to the order dated 07.10.2024 passed in Crl.M.P.No.16252 of 2024 by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

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

3. The case of the prosecution is that the accused were engaged in a trading business. It is alleged that the accused misled the defacto complainant into investing a substantial huge amount in their company by promising high returns. However, the accused conspired with each other, thereby cheating the defacto complainant to the tune of Rs.25,00,000/- Hence, the complaint.

4. On receipt of the complaint, the respondent registered FIR in Crime No.17 of 2025 for the offences punishable under Sections 316(2), 318(2)



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and 61(2) of BNS, 2023.

5. A perusal of records revealed that there are specific allegations as against the accused to constitute the above said offences. 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



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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 known procedure;*
>
> .....
>
> *(xv)When a prayer for quashing the FIR is made by*



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*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.17 of 2025, on the file of the respondent police. The first respondent is directed to complete the investigation in Crime No.17 of 2025, 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.

30.04.2025

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



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To

1. The Inspector of Police (Crime)
   J-2 Adyar Police Station,
   Chennai - 600 020.

2. The Public Prosecutor,
   High Court, Madras.



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**G.K.ILANTHIRAIYAN. J,**

mn

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