



WEB COPY



Crl.O.P.No.13553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13553 of 2023

and

Crl.M.P.No.8243 of 2023

Ashok Kumar

... Petitioner

Vs

1. The Sub Inspector of Police,
All Women Police Station,
Karikal.

2. Aarthi

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to FIR in Crime No.1 of 2023 pending on the file of the first respondent and quash the same.

For Petitioner : No appearance

For Respondents : Mr.M.V.Ramachandra Murthy
Additional Public Prosecutor (Puducherry)
(for R1)
Mr.G.Balasubramanian (for R2)



Crl.O.P.No.13553 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 1 of 2023 on the file of the first respondent.

2. The case of the prosecution is that on the complaint lodged by the second respondent, the first respondent registered the First Information Report in Crime No.1 of 2023 for the offences punishable under Sections 294(b), 34, 498-A, and 506(ii) of IPC, alleging that the second respondent got married to the petitioner on 01.02.2019. During the marriage, jewels and sreethana articles were given as dowry by the second respondent's family members. Even then, they compelled the second respondent to bring more dowry. While they proceeded to the USA, all the jewels and other sreethana articles were collected by the accused, and they were in their custody. In fact, even in the USA, all the accused persons ill-advised her husband, and he had beaten her to the core. Therefore, she returned to India on 10.01.2020. Even thereafter, the accused persons tortured her and also attacked her. Hence, the complaint.



Crl.O.P.No.13553 of 2023

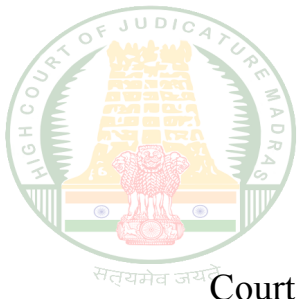
WEB COPY

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 first respondent police registered a case in Crime No.1 of 2023 for the offences punishable under Sections 294(b), 34, 498-A, and 506(ii) of IPC, as against the petitioner. Hence he prayed to quash the same.

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

5. Heard the learned Counsel appearing on either side 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



Crl.O.P.No.13553 of 2023

WEB COPY

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 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



Crl.O.P.No.13553 of 2023

WEB COPY

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.

8. Further the Hon'ble Supreme Court of India issued directions in the judgement reported in **2021 SCC Online SC 315** in the case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & ors.,*** as follows :-



WEB COPY



CrI.O.P.No.13553 of 2023

“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 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*



WEB COPY



CrI.O.P.No.13553 of 2023

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. The first respondent is directed to complete the investigation in Crime No.1 of 2023 and file a final report within a period of eight weeks 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. Consequently, the connected Miscellaneous Petition is closed.

07.04.2025

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



Crl.O.P.No.13553 of 2023

WEB COPY

To

1. The Sub Inspector of Police,
All Women Police Station,
Karikal.
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13553 of 2023

G.K.ILANTHIRAIYAN, J.

kv

Crl.O.P.No.13553 of 2023

07.04.2025