



Crl.O.P.No.21931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.21931 of 2025
and Crl.M.P.No.15098 of 2025

Arif Billeshareem

... Petitioner

Versus

1.State Rep by Inspector of Police
Beta-8, Forgery Investigation Wing
CCB-I, Vepery, Chennai – 600 007

2.Melvin JR Pace

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records pertaining to the complaint in FIR No.178 of 2024 on the file of the Beta-8, Forgery Investigation Wing, CCB-I, Vepery, Chennai and quash the same as against the petitioner.

For Petitioner : M/s.Sumathi Lokesh

For Respondent : Mr.K.M.D.Muhilan for R1
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to the complaint in FIR No.178 of 2024 on the file of the Beta-8, Forgery Investigation Wing, CCB-I, Vepery, Chennai and quash the same as against the petitioner.

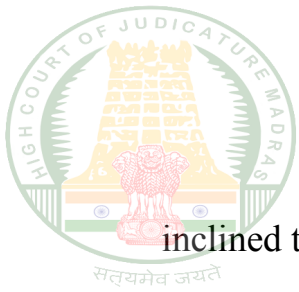


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2. The allegations against the petitioner is that he applied for visa and appeared before the United States Consulate in Chennai for a visa interview, they suspected that the document submitted by the petitioner is a forged one and complaint has been forwarded to the respondent police, based on which FIR has been filed for the alleged offences punishable under Sections 336(2), 336(3) and 340(2) of BNSS, 2023. According to the petitioner, documents submitted by the petitioner are the documents issued by the Government authorities. Without comparing the documents, now, they seized mobile phones etc., therefore, FIR cannot be maintained.

3. At the outset, this Court is of the view that serious allegations are made against the petitioner. According to the learned Additional Public Prosecutor, the document has been transmitted through phone which has been seized and all the documents submitted to the Court have been forwarded to the forensic department to find out the genuineness of the documents and the investigation is in initial stage. Therefore, considering the nature of allegations and the documents are produced before the Court and sent for forensic department, this Court is not



inclined to quash the FIR.

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4. 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 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*



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

5. In view of the above discussions, this Court is not inclined to quash the First Information Report in Crime No.178 of 2024, on the file of the respondent police. Accordingly, this petition stands dismissed. Consequently, connected miscellaneous petition stands closed.

13.08.2025

dhk

Index : Yes
Internet : Yes



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To

1.The Inspector of Police
Beta-8, Forgery Investigation Wing
CCB-I, Vepery, Chennai – 600 007

3.The Public Prosecutor
Madras High Court

N. SATHISH KUMAR, J.

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