



Crl.O.P.No.6032 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

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

Crl.O.P.No.6032 of 2025

1. Samundeeswari
2. V.Sivanesan
3. P.Palani

... Petitioners

Vs

1. The Sub-Inspector of Police,
Walajapet Police Station, Ranipet District.

2. S.Shankar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of CrI.P.C/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to FIR No:376/2022 dated 26.08.2022 on the file of the Judicial Magistrate - II Court, Walajapet and quash the same as illegal, abuse of process of Court and allow the present Criminal Original Petition.

For Petitioners : Mr.M.Nallathambi

For R1 : Mr.A.Gopinath
Government Advocate (Crl.side)



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ORDER

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This petition has been filed to quash the FIR in Crime No.376 of 2022, on the file of the first respondent.

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

3. The case of the prosecution is that the defacto complainant's sister one Sasikala committed suicide in her house due to depression as the first petitioner filed a civil suit against her and her family members for mandatory injunction on the file of the Sub Court, Ranipet, Vellore. It is further alleged that there was a property dispute between the deceased and the petitioners 1 and 2 herein. Based on the complaint, the first respondent registered FIR in Crime No.376 of 2022 for the offence under Section 174 Cr.P.C.

4. The learned counsel for the petitioners would submit that this is the second application to quash the FIR, on the ground that already the petitioners had filed an application to quash the FIR in Crl.O.P.No.6449 of 2024 and this Court by an order dated 18.03.2024, dismissed the petition and directed the first



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respondent to complete the investigation and file a final report within a period of four weeks. However, the first respondent failed to file a final report so far.

5. On instructions, the learned Government Advocate (Crl.side) appearing for the first respondent submitted that now the entire investigation in Crime No.376 of 2022 has been completed and about to file a final report.

6. That apart, the grounds raised by the petitioners can be considered only before the Trial Court during the Trial. Now, it is in FIR stage. It is seen from the First Information Report that there are specific allegations as against the petitioners 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 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.

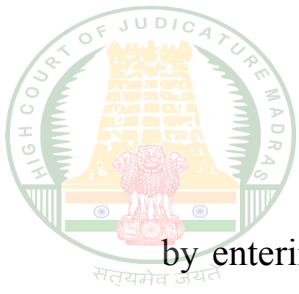
7. The Hon'ble Supreme Court of India passed in the judgment



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

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 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.

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 :-

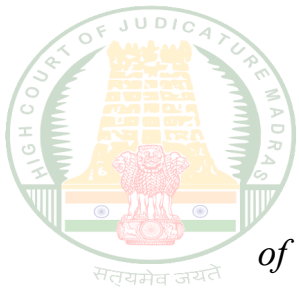
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vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

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*



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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 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, this Court is not inclined to quash the FIR in Crime No.376 of 2022. The first respondent is directed to complete the investigation in Crime No.376 of 2022 and file a final report, within a period of four weeks from the date of receipt of a copy of this order.



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10. Accordingly, this Criminal Original Petition is dismissed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J.

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To

1. The Judicial Magistrate - II Court, Walajapet.
2. The Sub-Inspector of Police,
Walajapet Police Station, Ranipet District.
3. The Public Prosecutor,
High Court, Madras.

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