



Crl.O.P.No.6738 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

Crl.O.P.No.6738 of 2025

and

Crl.M.P.No.4298 of 2025

1.Margabandhu

2.Kasiyammal

..... Petitioners

Vs

1. State rep by
The Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District
Crime No.740 of 2024

2. Saravanan

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.740 of 2024 on the file of the Inspector of Police, Arni Taluk Police Station, Thiruvannamalai District and quash the proceedings in the above case in Crime No.740 of 2024 as against them.

For Petitioners : Mr.G.P.Sivakumar

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

For R2 : Mr.E.Satharaj



Crl.O.P.No.6738 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.740 of 2024 on the file of the first respondent, for the offences under Sections 296(b) and 115(2) of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that, due to land dispute between the petitioners and the defacto complainant, on 24.09.2024, the petitioners are alleged to have abused the defacto complainant's mother in filthy language and slapped her. It is further alleged that the second petitioner pushed the defacto complainant's mother and she was admitted to the hospital as in patient. Hence, a case was registered.

3. The learned counsel appearing for the petitioner would submit that the second petitioner is aged about 70 years and was not present at the scene of occurrence. It is further submitted that the allegations are subject to investigation.

4. The learned Government Advocate (Crl.Side) appearing



Crl.O.P.No.6738 of 2025

for the first respondent submitted that the entire investigation has now been completed and final report is about to be filed.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. 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 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 reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekhar vs. The State of Maharashtra & ors.,*** (**Crl.A.No.255 of 2019** dated **12.02.2019**) held that the learned



Crl.O.P.No.6738 of 2025

WEB COPY

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 complaint cannot be quashed only on



Crl.O.P.No.6738 of 2025

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*



WEB COPY



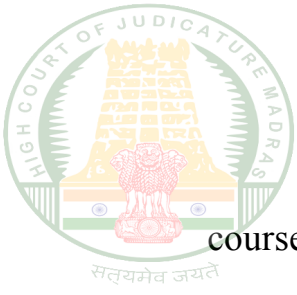
Crl.O.P.No.6738 of 2025

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 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, the first respondent is directed to complete the investigation in Crime No.740 of 2024 and file the final report within a period of twelve weeks from the date of receipt of copy of this Order. It is made clear that, during the



Crl.O.P.No.6738 of 2025

course of investigation, the representation of the petitioner shall be duly considered in accordance with law.

10. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

09.04.2025

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

1.The Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District

2.The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No.6738 of 2025

Lpp

Crl.O.P.No.6738 of 2025

09.04.2025