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Crl.O.P.(MD) No.4847 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	20.11.2025
Pronounced on	27.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.4847 of 2024

and

Crl.M.P.(MD) No.3807 of 2024

1.P.Balamurugan

2.Jeyalakshmi

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Central Crime Branch,
Madurai City.
(Crime No.5 of 2024)

2.Ramuthai

3.V.Paulraj

4.P.Natarajan

5.P.Ramesh

6.P.Ganesh

... Respondents

[R3 to R6 were impleaded as per the order of this Court
dated 07.11.2025 in Crl.M.P.(MD) No.11385 of 2025]



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Prayer : Criminal Original Petition filed under Section 482 of the Code of the Criminal Procedure, 1973/Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the case in Crime No.5 of 2024 on the file of the first respondent and quash the same.

For Petitioners : Mr.K.Balaji

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : Mr.N.Saravanan

For R4 to R6 : Mr.S.Rajendrakumar

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR on the file of the respondent police, registered against the petitioners for the offences punishable under Sections 379, 387, 506(ii), 406 and 420 of the Indian Penal Code, 1860, and Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Initially, the FIR was registered in Crime No.69 of 2024 on the file of the Inspector of Police, D1 Thallakulam Police Station, Madurai for the offences punishable under Sections 379, 387 and 506(ii) of the Indian Penal Code, 1860.



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Subsequently, the case was transferred to the first respondent herein and the FIR was renumbered and the offences were altered.

2. The gist of the allegations is that the second respondent/defacto complainant is the second wife of the father of the first petitioner, i.e., the third respondent herein; that three sons were born out of the wedlock; that the first wife, Nallammal, who is none other than the elder sister of the second respondent/defacto complainant, is the mother of the first petitioner and his two brothers; that the fourth respondent herein, is the eldest son of the second respondent/defacto complainant; that he was working as a Mechanical Engineer in Marine Engineering; that he had transferred a total sum of Rs.15,62,35,236/- to a joint account held by him with the first petitioner; that the said money was intended for purchase of properties in and around Madurai and Chennai in the name of the fourth respondent herein; that the first petitioner dishonestly purchased the properties in his own name; that all the property documents belonging to the eldest son of the second respondent/defacto complainant/fourth respondent herein are in the custody of the petitioners; that the fourth respondent herein had purchased gold jewels and diamond necklaces of approximately 1000 sovereigns out of his savings in Madurai and



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Chennai, and those jewels were in the custody of the second respondent/defacto complainant at her residence at Kulichettipatti Village, Dindigul District; that the petitioners threatened the second respondent/defacto complainant to sign blank papers and when she refused to do so, they took away the gold and diamond jewels of nearly 1000 sovereigns from her residence on 25.07.2023; that thereafter, fearing danger to her life, she went to her son's house at Kambar Street, Kurunji Nagar, Authikulam, Madurai; that on 08.01.2024, the petitioners came to the said house, attacked the second respondent/defacto complainant and took away the property documents at gun point; and that hence, the petitioners must be prosecuted under the Arms Act and other offences.

3. The learned counsel for the petitioners would submit that the impugned FIR is an abuse of process of law; that the father of the first petitioner, i.e., the third respondent herein, had two wives; that the second respondent/defacto complainant is his second wife; that the third respondent had three sons through his first wife and three sons through his second wife, namely, the second respondent/defacto complainant; that all of them were living jointly for the past 50 years; that all the family members contributed for the purchase of properties; that some of the



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properties were purchased in the name of the fourth respondent, who is the eldest son of the second respondent/defacto complainant, some properties were purchased in the name of the second respondent/defacto complainant and some properties were purchased in the names of the parents, namely, the father and mother of the first petitioner; that the allegations that the money sent by the fourth respondent was misappropriated by the first petitioner and that properties were purchased in the name of the first petitioner, besides being false are attended with *mala fide*, made only to arm-twist the first petitioner and his father/third respondent herein to partition the properties as demanded by the second respondent/defacto complainant and her sons; that the first respondent police, in any event, have no jurisdiction to decide whether the properties purchased in the name of the first petitioner or his father/third respondent are *benami* properties; that the allegation that 1000 sovereigns of gold and diamond jewels were stolen by the petitioners on 25.07.2023 is an afterthought without any basis and there is no explanation as to why the second respondent/defacto complaint had not lodged the complaint immediately; that the further allegation that the petitioners took away all the property documents on 08.01.2024 is also made with ulterior motive to wreak vengeance against the petitioners; and that the petitioners would



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not stand to benefit in any manner by taking away the property documents which are in the name of the second respondent/defacto complainant or her sons and, therefore, the said allegation is again an invented story.

4. The learned counsel for the petitioners would further submit that on the basis of the impugned complaint, the petitioners were arrested and a search was conducted in their house; that no incriminating material was found; that when the petitioners approached this Court for bail, this Court had observed that the police had not collected any incriminating material against the petitioners; that prior to the registration of the case, the dispute was mediated by a retired Judge of this Court, Hon'ble Mr.Justice T.Suthanthiram; that when the present petition for quash was filed, this Court once again referred the matter for mediation before the same learned retired Judge, but the second respondent/defacto complainant did not agree for the appointment of the said Judge as mediator; that in the bail order, the learned Judge also extracted the affidavit of the father of the first petitioner/third respondent, V.Paulraj, wherein he had stated that the complaint given by his second wife is false; and that the learned Judge further observed that the partition dispute has been given a criminal colour and therefore granted bail. The learned counsel for the petitioners



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placed reliance upon several judgments of the Hon'ble Supreme Court in support of his submission that civil disputes which have been given a criminal colour ought to be quashed in the exercise of power under Section 482 of the Code of Criminal Procedure, 1973. The judgments relied on are as follows:

- i. ***Mohmood Ali vs. State of Uttar Pradesh***, reported 2023 Live Law (SC) 613;
- ii. ***Nitin Ahluwalia vs. State of Punjab and another***, in Crime Appeal No.187 of 2020;
- iii. ***Paramjeet Singh vs. State of H.P. and others***, reported in 2025 SCC OnLine SC 1976;
- iv. ***Arshad Neyaz Khan vs. State of Jharkhand and another***, reported in 2025 SCC OnLine SC 2058;
- v. ***Anukul Singh vs. State of UP***, reported in 2025 SCC OnLine SC 2060;
- vi. ***Jupally Lakshmikantha Reddy vs. State of A.P.***, reported 2025 SCC OnLine SC 1950;
- vii. ***Lalitha vs. Vishwanath and others***, 2025 SCC OnLine SC 370;
- viii. ***Selva Kumar vs. State***, reported in 2015 (4) CTC 109; and
- ix. ***P.Ramesh vs. State***, reported in 2010 (2) L.W. (Crl.) 1434.

5. The learned counsel for the second respondent/defacto complainant, *per contra*, would submit that the petitioners have not explained as to how the property documents came to be in the possession of the first petitioner when it is the specific case of the second



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respondent/defacto complainant that all the documents were taken away by her when she left the matrimonial home; that the question as to whether the petitioners had illegally taken away the documents or committed theft of gold and diamond jewels has to be determined only during investigation and it cannot be held as false at the FIR stage, which requires a thorough investigation; that challenging the bail order passed by this Court, an SLP was filed before the Hon'ble Supreme Court; that though the SLP was dismissed, the Hon'ble Supreme Court observed that the findings made in the bail order are confined only to the grant of bail and therefore, this Court may not rely upon the observations made therein; and that this Court would not quash the FIR in such circumstances as per the dictum of the Hon'ble Supreme Court in ***M/s.Neeharika Infrastructure (P) Ltd. v. State of Maharashtra***, reported in (2021) SCC OnLine SC 315 : (2021) 19 SCC 401, and sought for dismissal of this petition.

6. As stated earlier, the FIR was originally registered in Crime No. 69 of 2024 on the file of the Inspector of Police, D1 Thallakulam Police Station, Madurai for the offences punishable under Sections 379, 387 and 506(ii) of the Indian Penal Code, 1860 and Section 24 of the Maintenance



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and Welfare of Parents and Senior Citizens Act, 2007. The FIR was thereafter transferred to the first respondent police who re-registered the FIR in Cr.No.5 of 2025 for the offences under Sections 379, 387, 506(ii), 406 and 420 of the Indian Penal Code, 1860 and Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

7. The allegations in the impugned FIR can be split into three parts. The first part relates to the alleged misappropriation and cheating said to have been committed by the petitioners, inasmuch as they had received a sum of Rs.15,62,35,236/- from 1992 onwards and failed to purchase properties in the name of the second respondent/defacto complainant's eldest son. The second part relates to the alleged theft of 1,000 sovereigns of gold and diamond jewels from the possession of the second respondent/defacto complainant, when she was residing at Kulichettipatti Village on 25.07.2023. The third part relates to the alleged removal of property documents from the possession of the second respondent/defacto complainant and the snatching of her chain, when she was at Madurai on 08.01.2024.



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8. The defacto complainant is the second wife of one V.Paulraj, the third respondent herein. The defacto complainant's elder sister Nallammal is the first wife of the said Paulraj. The said Paulraj and Mrs.Nallammal have three sons out of the wedlock, of whom two of them are Lawyers and one is an Engineer. The said Paulraj and defacto complainant had three sons out of the wedlock, of whom, two are Engineers and one is a Lawyer. The defacto complainant and her elder sister and all the sons were living in a joint family till 2023. It appears that out of the earnings of the said Paulraj and his six sons, some properties were purchased in the names of the sons, some of the properties were jointly purchased in the name of the said Paulraj and the defacto complainant and some properties were purchased either in the name of defacto complainant or the said Nallammal. The above facts are not in dispute.

9. The first allegation is that the eldest son of the defacto complainant one P.Natarajan, a Mechanical Marine Engineer had earned substantially and transferred about Rs.15,62,35,236/- on various dates from 1992 to the joint bank account of the first petitioner and the said



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P.Natarajan; that the first petitioner and the other sons of Nallammal had dishonestly purchased properties in the name of the first petitioner and have denied the right of the defacto complainant and her sons in those properties. The allegation that the properties were purchased *benami* in the name of the first petitioner and the sale consideration was paid only by the defacto complainant's eldest son, who had sent money from 1992, cannot be decided by the police. To establish that the properties were purchased *benami*, the provisions of the Benami Transactions Act have to be considered and it is beyond the scope of the first respondent police to adjudicate all such disputes in the guise of investigation.

10. The allegations do not attract either the offence under Section 406 or Section 420 of the Indian Penal Code, 1860. In fact, in the first FIR registered by the Thallakulam Police Station, the offences under Sections 406 and 420 of the Indian Penal Code, 1860 were not included. The first respondent discovered the commission of offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 on the basis of the aforesaid allegations. Firstly, it is well settled that these two offences, on the same set of allegations, would not go together. It is the case of the second respondent/defacto complainant that the money was voluntarily



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sent by her eldest son to the joint account. Therefore, no deception can be inferred from such an allegation so as to attract the offence under Section 420 of the Indian Penal Code, 1860.

11. As regards the offence of criminal breach of trust relating to the alleged payments made by the son of the second respondent/defacto complainant from 1992, unless the accounts are reconciled and the contributions made by the other family members are also taken into consideration, and the details of the properties purchased are ascertained, which can only be done by the civil court, the first respondent police cannot proceed against the petitioners for the offence of criminal breach of trust, as the property allegedly entrusted has to be first determined. The police or the criminal court cannot be asked to undertake such an exercise, particularly since various aspects relating to the Prohibition of Benami Property Transactions Act, 1988, as stated earlier, and the law relating to limitation, have to be examined only by the civil court.

12. The next allegation is that the petitioners had committed theft of 1000 sovereigns of gold jewels on 25.07.2023. Admittedly, the first petitioner's mother and the defacto complainant were living jointly at



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Kulichettipatti Village till 25.07.2023 where the alleged theft is said to have taken place. The defacto complainant had not chosen to give a complaint of the alleged theft immediately. It is her version that she immediately left the matrimonial home and lived with her elder son in Madurai.

13. In order to appreciate this allegation and the third allegation that the petitioners at gun point removed the property documents from the possession of the defacto complainant on 08.01.2024, this Court has to necessarily look into many other attendant circumstances in this case, as the allegations have been made against close relatives.

14. This case has a chequered history. After the registration of the case by the first respondent, the petitioners were arrested. This Court while granting bail to the petitioners by an order dated 29.04.2024 in Crl.O.P.(MD) No.6458 of 2024 had recorded the submissions on either side and had held that the allegations only disclose a civil dispute between close family members and the impugned FIR has been lodged only to arm twist the petitioners. In fact, this Court had criticised the conduct of the police in registering a case on such allegations and arresting the



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petitioners hastily.

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15. The defacto complainant had challenged the said order before the Hon'ble Supreme Court in SLP (Crl) D.No.17162 and the Hon'ble Supreme Court dismissed the said SLP and was pleased to observe that the observations made by this Court in the impugned order of granting bail are confined to grant of bail only. Therefore, the learned counsel for the defacto complainant is justified in submitting that the observations made by this Court in the bail order cannot be the basis to quash the impugned FIR.

16. It is not in dispute that after the defacto complainant left the matrimonial home on 25.07.2023, the dispute between the defacto complainant and her sons on the one hand and Mr.V.Paulraj, Nallammal and their sons on the other hand, was sought to be mediated by a retired Judge of this Court and since the learned Judge was known to one of the brothers of the petitioners, it is the case of the defacto complainant that the mediation failed; and that the occurrence on 08.01.2024 took place after the mediation failed.



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17. It is also not in dispute that the learned Judge who heard the bail application had also attempted mediation while hearing the bail petition which failed. In the instant petition, the very same learned Judge who heard the bail petition had directed the parties to appear before the Hon'ble Mr.Justice T.Sudanthiram, who earlier mediated the dispute between the parties for mediation once again and that also failed.

18. Thereafter, the defacto complainant died and pursuant to the orders passed by this Court, the third to sixth respondents who are the husband and the three sons of the defacto complainant were impleaded as respondents.

19. When the matter came up before this Court for final hearing, this Court during the course of the arguments had asked the counsel for the defacto complainant as to how many properties were purchased in the name of the defacto complainant.

20. Thereafter, the learned counsel for the defacto complainant had addressed a letter to the counsel for the petitioners furnishing the list of about 28 properties which were purchased in the name of the defacto



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complainant. The learned counsel for the petitioners had responded to the learned counsel for the defacto complainant stating that the documents relating to six properties were available out of the list and the documents relating to two other properties purchased in the name of the defacto complainant and not in the list, were available and that they are willing to handover the said documents to the defacto complainant. Accordingly, the learned counsel for the defacto complainant had received those documents and acknowledged the receipt of the documents relating to eight properties.

21. Mr.Paulraj, the third respondent herein appeared in person and would state that the documents relating to the properties that were purchased in the name of the defacto complainant and were in his possession, were handed over; that it was the defacto complainant who had taken away the documents and the allegations with regard to the theft of gold jewels and taking away of property documents by the petitioners at gun point, are only imaginary and an afterthought to arm twist the first petitioner and the third respondent. He had also filed an affidavit to that effect before this Court.



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22. From the affidavit of the third respondent, which is taken on record, it would be clear that all the six sons and the two wives of Paulraj were living in a joint family for about five decades. The earnings of six sons and their father i.e. Paulraj/third respondent, was kept in a common pool and the properties were purchased and investments were made on the instructions of the said Paulraj.

23. The said Paulraj would state in his affidavit that whatever documents were in his possession in respect of the properties purchased in the name of the defacto complainant have been handed over and that the impugned complaint is at the instance of the sons viz., fourth to sixth respondents herein and a partition suit has been converted as a criminal case to wreak vengeance. He would also add that he has $\frac{1}{4}$ th share in the properties belonging to the deceased Ramuthai, the defacto complainant and his possession cannot be said to be illegal.

24. It is in the light of the above facts that we have to examine the allegations in the impugned FIR. As stated earlier, the defacto complainant had not lodged a complaint with regard to the alleged theft of gold jewels though the alleged theft is said to have taken place on



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25.07.2023. The nature of the jewels or the number of jewels said to have been stolen have not been stated in the impugned FIR.

25. There is no explanation as to why she had not chosen to give a complaint immediately after the alleged theft. There is no allegation as to how and when the petitioners had allegedly committed theft of the jewels from the house which was in joint possession of the third respondent and his two wives. That apart, for an alleged occurrence that took place at Kulichettipatti Village it is not known as to how the Thallakulam Police Station initially registered the FIR for the offence of theft.

26. Be that as it may. As stated earlier, a mediation was attempted between the parties by a retired judge of this Court after the defacto complainant left the matrimonial home in July 2023 and it had failed as could be seen from the submissions made by the second respondent/defacto complainant's counsel in Crl.O.P.(MD) No.6458 of 2024. It is in these circumstances, the petitioners are said to have removed all the property documents from the possession of the defacto complainant on 08.01.2024 at gun point and assaulted her.



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27. Here again, the complaint is said to have been given before the Commissioner of Police, Madurai City on 10.01.2024 for the alleged occurrence said to have taken place on 08.01.2024 and the Commissioner had forwarded the same to the Inspector of Police, Thallakulam Police station, who in turn registered the case on 18.01.2024.

28. The allegations on the face of it appears to be improbable and an afterthought and is attended with malafides. The second petitioner, is the wife of the first petitioner and she is working as a Teacher. It is opposed to common sense to believe a version that when the parties attempted mediation and failed, the petitioners who are well educated at gun point removed the property documents from the possession of the defacto complainant. If the defacto complainant was in possession of the property documents, which were purchased in her name, it is not known as to how, the taking away of those documents by the petitioners would benefit them. It is the contention of the learned counsel for the second respondent/defacto complainant that if it is the petitioners' case that the second respondent/defacto complainant had taken away all the documents when she left the matrimonial home, there is no justification for them to retain the documents relating to the eight properties which have now been



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handed over to the second respondent/defacto complainant, and therefore, the petitioners' version is liable to be rejected.

29. It is the definite case of the third respondent, i.e., the father of the first petitioner, and the fourth to sixth respondents that some of the property documents were taken away by the second respondent/defacto complainant, and whatever was available was handed over to the second respondent/defacto complainant during the pendency of this petition. In fact, the second respondent/defacto complainant has not even listed out the documents which were allegedly in her possession and were taken away by the petitioners. Therefore, this Court finds no merit in the submissions of the learned counsel for the second respondent/defacto complainant.

30. The other offence alleged against the petitioners is under Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is not the case of the second respondent/defacto complainant that she was abandoned by the petitioners. In fact, she was residing with her first son. Therefore, the registration of the FIR for the offence under Section 24 of the Act is totally misconceived and cannot be sustained.



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32. The Hon'ble Supreme Court has repeatedly held that an FIR is liable to be quashed if it is found that it is manifestly frivolous, vexatious or instituted with ulterior motive for wreaking vengeance. The Hon'ble Supreme Court had also held that to determine whether the FIR is vexatious or instituted with ulterior motive, a duty is cast upon the Court to look into other attendant circumstances emerging from the record of the case.



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33. In the case of ***State of Haryana v. Bhajan Lal***, reported in AIR 1992 SC 604, the Hon'ble Supreme Court had laid down certain parameters for quashing of an FIR, which are as follows:

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.



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(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

34. The recent trend of converting civil disputes and misusing the machinery of criminal justice has also been repeatedly deprecated by the Hon'ble Supreme Court. In *Nitin Ahluwalia's* case [cited *supra*] the Hon'ble Supreme Court has held as follows:

"7. The law on the exercise of the High Court's inherent powers under Section 482 of the Code of Criminal Procedure, have been repeatedly expounded and reiterated - to the point that they ought not to require restatement, and hence, we will not go down that route. The scope of the exercise to be carried out by the Court while adjudicating such an application for quashing is also well established. The Court is only to look to the prima facie possibility of the offence having been committed. In this regard reference can be made to *CBI v. Aryan Singh* ((2023) 18 SCC 399) and *Rajeev Kourav v. Baisahab* ((2020) 3 SCC 317).



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8. If the complaint is seen in isolation, then the approach of the learned Single Judge appears, entirely to be in consonance with the established position of law - allegations have been made, and so they have to be investigated. In certain cases, though, it is not as straight- cut as that. While it is true that elaborate defences and evidence brought on record is not to be considered at this stage, it is equally true that a mechanical approach cannot be countenanced. What renders a judicial mind distinct is its application to the given facts in accordance with law. Therefore, the Court ought to have (2023) 18 SCC 399 (2020) 3 SCC 317 appreciated, at least to some extent, the background in which the respondent filed the subject FIR.” (emphasis supplied)

35. In *M/s. Neeharika Infrastructure Pvt. Ltd's* case [cited *supra*], after following the dictum laid down by the Hon'ble Supreme Court in *Bhajan Lal's* case [*State of Haryana v. Bhajan Lal*, AIR 1992 SC 604], the Hon'ble Supreme Court had reiterated the following parameters for quashing of the FIR. The relevant portion is extracted hereunder:

“Conclusions

33. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or “no coercive steps to be adopted”, during the pendency of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or “no coercive steps to be adopted” during the investigation or



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till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence.

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the “rarest of rare cases” (not to be confused with the formation in the context of death penalty).

33.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

33.6. Criminal proceedings ought not to be scuttled at the initial stage.

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere.

33.9. The functions of the judiciary and the police are complementary, not overlapping.



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33.10. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.

33.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

33.12. 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.

33.13. The power under Section 482CrPC is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court.

33.14. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in *R.P. Kapur* [*R.P. Kapur v. State of Punjab*, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] and *Bhajan Lal* [*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , has the jurisdiction to quash the FIR/complaint.”



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36. From the above observations, it would clear that the Hon'ble Supreme Court had reiterated that parameters for quashing of an FIR laid down by it in **Bhajan Lal's** case [cited *supra*] have to be followed while quashing the complaint. In this case, this Court is of the view that Parameter Nos.5 and 7 in **Bhajan Lal's** case [cited *supra*] would squarely apply to the facts of the instant case.

37. From the above discussion on facts and law, it would be thus clear that the allegations in the FIR in cases of this nature where the dispute is between close relatives have to be appreciated along with the other attendant circumstances which led to the registration of the FIR. The allegations with regard to the alleged occurrence on 08.01.2024 as stated earlier was made after the mediation between the parties failed. The allegation with regard to theft is also an afterthought, besides being vague bereft of even the basic details to constitute the offence of theft.

38. The third respondent who was the head of the family had in his affidavit stated that the allegation with regard to extortion and theft are false. The allegations have been made with a malicious intent only for wreaking vengeance on the petitioners. That apart, the allegations are



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absurd and inherently improbable made only to arm twist the petitioners for a partition. Hence, this Court is of the view that the impugned FIR is one such case, which falls within the parameters laid down by the Hon'ble Supreme Court in in **Bhajan Lal**'s case [cited *supra*] for quashing of FIR.

39. Therefore, for all the aforesaid reasons and the discussions supra, the impugned FIR in Crime No.5 of 2024 on the file of the first respondent police is quashed. This Criminal Original Petition stands allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

27.11.2025

JEN/ARS

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Inspector of Police,
Central Crime Branch,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

JEN/ARS

Pre-Delivery Order made
in
Crl.O.P.(MD) No.4847 of 2024

27.11.2025