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Crl.O.P.No.7745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM:

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

Crl.O.P.No.7745 of 2023 and
Crl.MP.No.4954 of 2023

1.N.Iqbal
2.Fareedha Beevi
3.Mohammed Irfan
(authorized power agent)
Yogaraj Samidurai,
G2shri hari apartments,
6balasundanam street,
Puzhuthivakkam,
Chennai-91

... Petitioners

Vs.

1.The INSPECTOR OF POLICE,
M-4, Redhills POLICE STATION,
Redhills, Chennai
in crime No.141/2022
2.E.R.Abubaker

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records pertaining to FIR No.141/2022 on the file
of the first respondent and quash the proceedings of the same.

For Petitioners : Mr.M.Kamalakaran

For Respondents

For R1 : Mr.L.Baskaran,
Government Advocate (crl.side)



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For R2 : Mr.A.John

ORDER

This criminal original petition has been filed praying to quash the FIR in crime No.141 of 2022 on the file of the first respondent.

2. The second respondent lodged complaint alleging that his daughter fell in love with the first accused and married him. Both the family members set up a matrimonial home for them. After some period of time, the parents and some other family members of his son in law also joined with them. Thereafter, all the family members demanded money from the second respondent on the ground that they sustained heavy loss in their company. Further, they also demanded huge dowry from the second respondent. They received huge money and escaped. Their whereabouts are not known and the first accused is also not living with his daughter. On receipt of the said complaint, the first respondent issued CSR.No.209 of 2021. However, no FIR was registered and as such the second respondent was constrained to file a direction petition before this Court in Crl.OP.No.2330 of 2022 and this Court by order dated 02.02.2022 directed the first respondent to register FIR immediately.



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Accordingly, the first respondent registered FIR in crime No.141 of 2022 for the offence punishable under Sections 406, 420 & 506(i) of IPC as against four accused persons, in which the petitioners are arrayed as A2 to A4.

3. The learned counsel for the petitioners would submit that the entire transaction is between the first accused and the second respondent. The petitioners are family members of the first accused. Now they have been falsely implicated as accused. He also relied upon the pronote executed by the first accused in favour of the second respondent to the tune of Rs.77,96,950/-. The petitioners have nothing to do with the first accused and in fact, the third petitioner herein is living in Dubai and he has nothing to do with any transaction between the first accused and the second respondent.

4. The learned counsel for the second respondent submits that the first accused is now absconding and his whereabouts are not known. All the family members instigated the first accused to demand more money. All the family members had received huge money from the second respondent and had driven out his daughter from the matrimonial house. Therefore, this Court directed to register FIR and accordingly, FIR



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was registered against the accused persons. As such, he prayed for dismissal of this criminal original petition.

5. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

6. On perusal of records, it is revealed that there are specific allegations against all the accused persons. That apart, this Court specifically directed the first respondent to register FIR on the complaint lodged by the second respondent. In fact, already the second respondent approached in Crl.MP.No.5407 of 2025 on the file of the Judicial Magistrate-II, Ponneri for direction under Section 156(3) of Cr.P.C. On such direction, the first respondent conducted enquiry and submitted report. On perusal of the said report, there are specific allegations against all the accused persons and as such, the complaint was transferred to the file of the Inspector of Police, W33 Madhavaram All Women Police Station for appropriate action.

7. 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



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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.

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



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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.

9. 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*



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

10. In view of the above discussions, this Court is not inclined to quash the First Information Report. However, considering FIR is of the year 2022, the first respondent is directed to complete the investigation in

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Crime No.141 of 2022 and file a final report within a period of twelve weeks from the date of receipt of this Order, before the jurisdiction Magistrate, if not already filed. It is made clear that while filing final report, the first respondent shall consider the pronote executed by the first accused in favour of the second respondent in respect of the money received by him. Further, the first respondent is also directed to verify whether the second accused was living with the accused persons at the time of the alleged occurrence.

11. With the above directions, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

18.03.2026

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

The INSPECTOR OF POLICE,
M-4, Redhills POLICE STATION,
Redhills, Chennai



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G.K.ILANTHIRAIYAN, J.

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