



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL.O.P.No.12322 of 2023

and

CRL.M.P.No.7550 of 2023

Periyasamy,
S/o. Maruthamuthu,
No.10/78, Ashwanth Aishwaryam,
Venkatesha Nagar,
1st Cross Street,
Virugambakkam,
Chennai. 92.

..Petitioner(s)

Vs

1. The Inspector of Police,
CCB -1,
Chennai District.
Crime No.15/2018.

2. S.Chidambaram (died)

Saravanan Chidambaram,
S/o. Late.Chidambaram,
No. 63, Astalakshmi Nagar, 1st Street,
Alapakkam,
Valsarwakkam,
Chennai 600 116.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records of the case in Crime No.15/2018 on the file of the CCB - 1, Chennai District and quash the same.



For Petitioner(s):

Mr.N.Srinivasan
for Mr.R.Sudhakar

For Respondent(s):

Mr.A.Gopinath,
Government Advocate (Crl.Side)
for R2Mr.SP.Chockalingam
for R2**Order**

This Criminal Original Petition has been filed to quash the proceedings against the petitioner in Crime No.15/2018 on the file of the CCB - 1, Chennai District, for the offences punishable under Sections 419, 465, 467, 468, 471 read with Section 120-B of IPC.

2.The case of the prosecution is that one Chidambaram lodged a complaint before the 1st respondent stating that his father, namely, Chockalingam purchased the property measuring an extent of 3352 sq.ft situate at Kamakoti Nagar, Pallikaranai, during the year of 1975. Further, his father passed away on 25.01.1995. Thereafter, the petitioner along with his brother and sister obtained Death Certificate and Legalheirship Certificate. Since, then the *defacto* complainant is in possession and enjoyment of the subject property. While that being so, the petitioner herein connivance with others registered Power of Attorney in his name by impersonator and the Sub-Registrar also registered and release the document without verifying the genuineness. Further,



the petitioner executed Sale Deed to one Madhavi with an ill intention to grab the subject property. Based on the above complaint, a case in Crime No.15/2018

Under Sections 419, 465, 467, 468, 471 read with Section 120-B of IPC registered by the 1st respondent. Whereas, the petitioner is shown as A1, one Chockalingam (Impersonator) is ranked as A2, A3 is the Sub-Registrar of Saidapet, A4 and A5 are witness to the subject document and A6 is the purchaser of the property.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.15/2018 for the offences punishable under Sections 419, 465, 467, 468, 471 read with Section 120-B of IPC of IPC, as against the petitioner. Hence he prayed to quash the same.

4.The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and the respondent police have only to file final report.

5.Heard the learned Counsel appearing on either side and perused the materials placed on record.



6. It is seen from the First Information Report that there are specific allegations as against the petitioner 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 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 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.

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 & others***, 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;*

.....

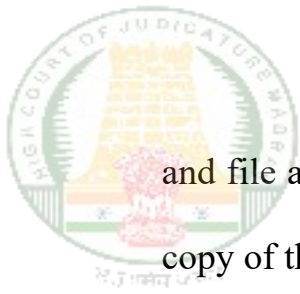


xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR 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, considering the crime is of the year 2018, the 1st respondent is directed to complete the investigation in Crime No.15/2018



and file a final report within a period of eight weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

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10. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MPS

To

1. The Inspector of Police,
CCB -1,
Chennai District.
2. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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CRL MP No. 5814 of 2



G.K.ILANTHIRAIYAN J.

MPS

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(2/2)