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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.Nos. 14132 & 18889 of 2022

and

Crl.M.P.Nos. 12511 & 7731 of 2022

Crl.O.P.No.14132 of 2022

S.Sumathi

..Petitioner

Vs

1. State Rep.by
Assistant Commissioner of Police
Central Crime Branch,
Tambaram Commissionerate,
Medavakkam Road, Shollinganallur,
Chennai 600119.

2. K.M.S.Samsuddin
3. A.Sadhakathullah

..Respondents

Crl.O.P.No. 18889 of 2022

K.M.S.Shamsudeen

..Petitioner

Vs

1. The State Represented By
The Inspector of Police,
Chengalpattu Police Station,
Maraimalar Nagar,
Chengalpattu District.
Crime No.292 of 2022.



2. Somasundaram,
The Director,
The Smart Business Solutions Pvt. Ltd,
Melrosapuram Road, Maraimalar Nagar,
Thirukkachur, Chengalpattu District.

..Respondents

Prayer in Crl.O.P.No.14132 of 2022: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash all the further proceedings in Crime No.292 of 2022 dated 19.03.2022 on the file of the 1st respondent police and pass such other orders.

Prayer in CRL OP No. 18889 of 2022 : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Crime No. 292 of 2022 dated 08.06.2022 on the file of the 1st respondent and quash the same.

In Crl.O.P.No.14132 of 2022

For Petitioner:	Mr.V.Karthik Senior Counsel for Mr.J.Saravanel
For Respondents:	Mr.L.Baskaran Public Prosecutor For R1 No appearance for R2 & R3

In Crl.O.P.No.18889 of 2022

For Petitioner:	No appearance
For Respondents	Mr.L.Baskaran Public Prosecutor For R1 Mr.V.Karthik Senior Counsel for Mr.J.Saravanel for R2

**COMMON ORDER**

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Crl.O.P.No.14132 of 2022 has been filed to quash the FIR registered in Crime No.292 of 2022 dated 19.03.2022 on the file of the first respondent, based on the complaint lodged by the second respondent. Crl.O.P.No.18889 of 2022 has been filed to quash the FIR registered in Crime No.292 of 2022 dated 08.06.2022 on the file of the first respondent, based on the complaint lodged by the second respondent

2. The case of the complainants is that they are the absolute owners of certain extends of lands situated in Thirukatchur Village, which were purchased in the year 1983 and they were in continuous possession and enjoyment of the same. During the pendency of a civil dispute, certain unknown persons trespassed into the subject property, demolished the structures put up by them, encroached upon the said lands, and issued threats. It is further alleged that certain persons, falsely projecting themselves as authorized officials of the Chennai Metropolitan Development Authority, in conspiracy with the Sub Registrar, fraudulently executed and registered several sale deeds in favour of third parties in respect of portions of the said lands during the period between 2006 and 2011. According to the complainants, upon seeking information under the Right to Information Act, it was revealed that no acquisition proceedings had been initiated by the Chennai Metropolitan Development Authority in



respect of the subject lands and that the said officials had no authority to execute such sale deeds, thereby indicating that the documents were fraudulent.

In such circumstances, the complainants have alleged commission of offence involving large scale land grabbing, forgery and criminal conspiracy and sought for appropriate action against the accused, cancellation of the alleged fake documents, and restoration of possession of the properties.

3. On receipt of the said complaint, the first respondent registered an FIR in Crime No.292 of 2022 for the offences punishable under Sections 420, 447, 465, 467, 471, 120B, 506(ii) of IPC.

4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner is arrayed as A6. The complaint itself is highly belated one. The complaint was lodged by the second respondent for the alleged offence had took place on 01.01.2006 to 28.10.2011. There is absolutely no explanation whatsoever for the delay in lodging the complaint. Further, the subject land had already been acquired by the Chennai Metropolitan Development Authority under the provisions of the Land Acquisition Act and thereafter, the same was allotted in favour of the petitioner herein. In fact, the second respondent had earlier challenged the land acquisition proceedings by filing a writ petition before this Court, which was dismissed and the same was also confirmed by the



Hon'ble Division Bench of this Court. In the second round of litigation, the second respondent filed another writ petitioner challenging the acquisition proceedings and the same was also dismissed. Thereafter, the Chennai Metropolitan Development Authority developed the subject land and allotted commercial Plot No.C-1 to the petitioner by proceedings dated 03.02.2006 and possession of the said property was handed over to the petitioner on 16.02.2006. That apart, after allotment, the petitioner has been in possession and enjoyment of the property by putting up fencing around the same. While being so, the second respondent and his associates attempted to interfere with the peaceful possession and enjoyment of the property by the petitioner, claiming ownership over the same.

5. In fact, on an earlier complaint lodged by the second respondent, a detailed enquiry was conducted by the Sub Inspector of Police, Anit-Land Grabbing Cell, Kancheepuram and the same was closed. Once again, the second respondent herein lodged another complaint before the very same Anit-Land Grabbing Cell, Kancheepuram, which was also enquired and closed. Thereafter, suppressing the above facts, the second respondent approached the first respondent and lodged the present complaint, pursuant to which an FIR in Crime No.292 of 2022 came to be registered. Subsequently, the second respondent and his associates interfered with the peaceful possession and enjoyment of the subject property by the petitioner. In this regard, the



petitioner also lodged a complaint and the same got registered in Crime No.292 of 2022 on the file of the Inspector of Police, Maraimalai Nagar Police Station, Chengalpattu, for the offences punishable under Sections 147, 148, 448, 427, 294(b) and 560(ii) of IPC, and the second respondent is facing investigation. Therefore, the present FIR cannot be sustained and is liable to be quashed.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Though notice has been served on the second and third respondents, none appeared on behalf of them either in person or through pleader. Perused the materials available on record.

7. A perusal of the documents and the submissions made by the learned Government Advocate (Crl.Side) appearing for the first respondent reveals that there are totally seven accused, in which, the petitioner is arrayed as A6. A1 to A5 are the officials of the Chennai Metropolitan Development Authority, who acquired the property. The second respondent lodged a complaint alleging that he had purchased the property in the year 1983 from one Venu Mudaliar, registered vide document No.2354 of 1986, comprised in Survey Nos.548/18 and 554, to an extent of 2.07 acres and Survey Nos.548/B2 and 556/1, to an extent of 1.61 acres, situated at Thirukatchiyur Village, Maraimalai Nagar, Chengalpattu. While being so, the accused trespassed into



the property and also created encumbrance by dividing the same into plots and allotted them to third parties. The subject land was acquired by Housing and Urban Development Department and Chennai Metropolitan Development Authority under the provisions of the Land Acquisition Act for the establishment of a housing scheme called Maraimalai Nagar Housing Scheme. The said acquisition was challenged by the second respondent in W.P.No.3292 of 1987 and the same was dismissed by the Hon'ble Single Judge of this Court on the ground that the Notification under Section 4(1) of the Land Acquisition Act was issued on 21.11.1979 and the declaration under Section 6 was made on 18.11.1982. Thereafter, in the year 1983, the second respondent herein had purchased the subject property and challenged the land acquisition proceedings on the ground of delay in passing the award and non-compliance of Rule 3(b) of the Land Acquisition Rules. Therefore, it is not open to the second respondent to challenge the land acquisition proceedings since after issuance of notice under Section 6 of the Land Acquisition Act, the second respondent had purchased the subject property. It was challenged before this Court in W.A.No.920 of 1989 and the same was also dismissed by order dated 06.07.1992 and confirmed by the order passed by the Hon'ble Single Judge of this Court. Thereafter, the subject property was developed by the Chennai Metropolitan Development Authority and a portion of the same was allotted in favour of the petitioner herein.



8. Accordingly, the petitioner purchased the subject property for valid sale consideration and started an industry and carrying on business. While at the time of developing the said property, the second respondent raised objections and lodged a complaint with the aforesaid allegations as against the officials of the Chennai Metropolitan Development Authority as well as the allottee, viz., the petitioner herein. Thereafter, the second respondent and his associates entered into the subject property and interfered with the petitioner's peaceful possession and enjoyment. Therefore, the petitioner was constrained to lodge a complaint and the same was registered in Crime No.292 of 2022 for the offences under Sections 147, 148, 448, 427, 294(b) and 560(ii) of IPC, as against the second respondent and others, which is pending for investigation. There are specific allegations made out a prima facie to constitute the said offences.

9. Insofar the FIR registered in Crime No.292 of 2022 on the file of the Inspector of Police, Maraimalai Nagar Police Station, Chengalpattu is concerned, this Court finds that there are specific allegations as against the petitioner to attract the offence, which has to be investigated in depth. It is well settled that an 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.

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10. In this regard, 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.

11. 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 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; ”

12. In view of the above discussions, this Court is not inclined to quash the FIR registered in Crime No.292 of 2022 on the file of the Inspector of Police, Maraimalai Nagar Police Station, Chengalpattu. However, considering the crime is of the year 2022, the Inspector of Police, Maraimalai Nagar Police Station, Chengalpattu, is directed to complete the investigation in Crime No.292 of 2022 and file a final report within a period of three months from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed. Accordingly, the CrI.O.P.No.18889 of 2022 stands dismissed. Consequently, connected CrI.M.P.No.12511 of 2022 is closed.



13. Insofar as the FIR registered in Crime No.292 of 2022 on the file of the first respondent as against the petitioner and the officials of the Chennai Metropolitan Development Authority is concerned, this Court finds that the same is nothing but a clear abuse of process of law and it cannot be sustained and is liable to be quashed. Accordingly, the FIR registered in Crime No.292 of 2022 on the file of the Inspector of Police, Pallikaranai Police Station, St.Thomas Mount, Chennai, is hereby quashed and Crl.O.P.No.14132 of 2022 stands allowed. Consequently, connected Crl.M.P.No.7731 of 2022 is closed.

27-03-2026

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

LPP

To

1.The Assistant Commissioner of Police
Central Crime Branch,
Tambaram Commissionerate,
Medavakkam Road, Sholinganallur,
Chennai 600119.

2.The Inspector of Police,
Chengalpattu Police Station,
Maraimalar Nagar,
Chengalpattu District.



3.The Inspector of Police,
Pallikaranai Police Station,
St.Thomas Mount, Chennai.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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CRL OP No. 14132 of 2



G.K.ILANTHIRAIYAN J.

LPP

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