



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 14344 of 2026

M.R.Vasagar
No.129, Chandra Mohan,
10th Street, Chromepet,
Chennai - 600 044.

..Petitioner(s)

Vs

State of Tamilnadu
Rep. by its Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-V,
Chennai-600 016.

..Respondent(s)

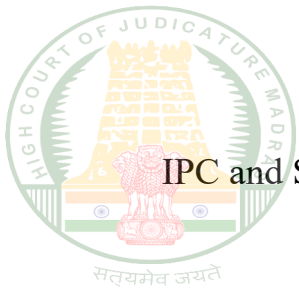
PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for records relating to the FIR in 01/AC/2020/CC-V dated 16.03.2020 on the file of Vigilance and Anti-Corruption Chennai City-V, Chennai-600 016 and quash the same.

For Petitioner(s): Mr.A.V.Arun

For Respondent(s): Mr.R.Ganesh Kumar
Government Advocate (Criminal Side)

ORDER

This petition has been filed to quash the F.I.R. in 01/AC/2020/CC-V dated 16.03.2020 on the file of Vigilance and Anti-Corruption Chennai City-V, Chennai-600 016, for the offence punishable under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, Section 120B, 409, 420, 167, 465. 468, 471 of



IPC and Sections 65 and 72 of Information Technology Act, 2008.

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2.The case of the prosecution is that A1/ Tr.P.Vanjinathan, who was formerly working as Firka Surveyor, Sholinganallur Taluk Office, Kancheepuram District, is a Public Servant, committed an offence under Section 2(c) of the Prevention of Corruption Act, 1988 during the relevant period of occurrence. A2 / Tr.M.R.Vasagar, residing at Door No.129, 4th Cross Street, Chandran Nagar, Chrompet is a private individual. It is ascertained from enquiry that one Tmt.Boopathy Esthar Thanuraj, W/o.M.Samuel Thanaraj, No.13, V.V.S.Iyer Street, Ganapathypuram, Tambaram East, Chennai-59, purchased a Nanja Land to an extend of 3 acre and 13 cents, comprised in Survey No.296/1A, 296/1B and 296/2 at Ottiambakkam Village, Sholinganallur Taluk from one Tmt.Janaki Ammal, W/o.Govindasamy Chettiar, Thulukkanathamman Koil Street, Pallikaranai Village for the value of Rs.1,07,000/- and registered at Sub Registrar Tambaram vide Doc.No.6084 / 1991 on 21.11.1991. Tmt.Boopathy Esthar Thanaraj had formed a house site – layout totally 88 plots in the name of “Thanarajapuram Layout” in respect of the above said properties along with adjacent lands.

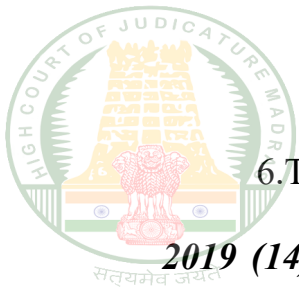
3.Mr.A.V.Arun, the learned Counsel appearing for the petitioner would submit that the petitioner is arrayed as 2nd accused. Even according to the case of the prosecution, on the application submitted by the petitioner, A1 fabricated



some of the revenue records for issuance of patta to the petitioner. Therefore, the petitioner has nothing to do with the 1st accused and there is no specific allegation.

4. Upon perusal of the materials and also submissions made by the learned counsel for the petitioner, it reveals that there are specific allegations, hence the respondent police registered F.I.R. in Crime No.01/AC/2020/CC-V for the offence punishable under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, Section 120 (B), 409, 420, 167, 465, 468, 471 of IPC and Sections 65 and 72 of Information Technology Act, 2008. Further, now the entire investigation is about to complete and yet to file a final report. At this stage, it cannot be quashed at the threshold.

5. 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.



6. 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.

7. 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;*”

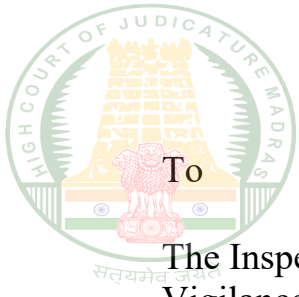
8. In view of the above discussions, this Court is not inclined to quash the First Information Report. However, considering the fact that the crime is of the year 2020, the respondent is hereby directed to complete the investigation in Crime No.01/AC/2020/CC-V dated 16.03.2020 and file a final report within a period of twelve (12) weeks from the date of receipt of a copy of this order, before the jurisdiction Magistrate, if not already filed.

9. This Criminal Original Petition stands dismissed accordingly.

08-06-2026

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

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To

The Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City-V,
Chennai-600 016.

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G.K.ILANTHIRAIYAN, J.

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