



WEB COPY



CRL OP No. 16401 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.16401 of 2023

and

Crl.M.P.No.10460 of 2023

1. Brama Moorthy
2. Raja
3. Seeni
4. Siva @ Kulandai

..Petitioners

Vs

1. State Rep By
The Inspector of Police,
Magudamchavadi Police Station,
Salem District.
Crime No. 199 Of 2023.

2. Venkatachalam

..Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings as against the petitioner in Crime No. 199 of 2023, pending on the file of the 1st respondent.

For Petitioners:

Mr.M.Mohamed Riyaz

For Respondents:

Mr.A.Gopinath

Government Advocate (Crl.Side) for R1

No Appearance for R2



CRL OP No. 16401 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.199 of 2023 on the file of the first respondent.

2. The case of the prosecution is that, on 26.08.2021, the second respondent entered into a sale agreement with one Vasuki and her children in respect of the property comprised in S.Nos.296/B2, 296/2B2, measuring an extent of 82 cents, for a total sale consideration of Rs.4,65,000/-. Subsequently, since the said vendors failed to execute the sale deed in favour of the second respondent, he filed a suit in O.S.No.534 of 2022 on the file of the Sub Court, Sankagiri.

3. While being so, pending suit, on 03.06.2023 at about 8.30 p.m., the first petitioner contacted the second respondent through his mobile and informed him that he, along with the third petitioner, had purchased the said property and intimidated the second respondent to withdraw the suit. Thereafter, the second petitioner also contacted the second respondent and threatened him to act in accordance with the demands made by the first petitioner.



WEB COPY

4. It is further alleged that on 04.06.2023, at about 5.00 p.m., the third petitioner went to the house of the second respondent and reiterated the threat. Subsequently, on 06.06.2023, at about 9.35 p.m., the petitioners, along with their hooligans, went to the house of the second respondent and threatened his family members with dire consequences.

5. Based on the above allegations, a case was registered on 07.06.2023 for the offences under Sections 120(B), 147, 148, 294(b), 427, 447 and 506(ii) of IPC.

6. The learned counsel appearing for the petitioners submitted that, on 21.11.2020, the second respondent borrowed a sum of Rs.50 Lakhs from the first petitioner and executed a promissory note in his favour. Thereafter, the second respondent failed to pay the said loan amount. Hence, the first petitioner demanded repayment of the same. In order to evade his legal liability, a false complaint has been foisted against the first petitioner herein. Even according to the allegations of the second respondent, no prima facie case is made out for registration of the FIR.



7. A perusal of the FIR reveals that there are specific allegations against all the accused persons. That apart, the petitioners 1, 2 and 4 are sons of one Arai Trouser Mariyappan, who is a habitual offender and so many cases pending against him. All the accused persons are involved in land grabbing cases. That apart, there are specific allegations to make out a prima facie to register the FIR for the offences under Sections 120(b), 147, 148, 294(b), 427, 447 and 506(ii) of IPC.

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. 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.



WEB COPY

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*



CRL OP No. 16401 of 2023

WEB COPY

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 the crime is of the year 2023, the first respondent is directed to complete the investigation in Crime No.199 of 2023 and file a final report within a period of eight weeks from the date of receipt of a copy of this Order, before the jurisdiction Magistrate, if not already filed.

11. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

07-04-2026

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

LPP



WEB COPY



CRL OP No. 16401 of 2023

G.K.ILANTHIRAIYAN J.

LPP

To

1.The Inspector of Police,
Magudamchavadi Police Station,
Salem District.

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

Crl.O.P.No.16401 of 2023
and
Crl.M.P.No.10460 of 2023

07-04-2026

Page 8 of 8