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CRL OP No. 16900 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 16900 of 2023
and CrI.M.P.Nos.10869 and 18149 of 2023**

1. Kavya Katappa
D/o. Katappa
2. Divya Katappa
D/o. Katappa, Both Residing At No.298, 4th
Cross Street, Bagalur Colony, Jala Hobli,
Yelahanka, Bengaluru.

..Petitioner(s)

Vs

1. The State Rep.By
The Inspector Of Police, Central Crime Branch-
i, Chennai - Ccb District, Vepery, Chennai.
Cr.No.9/2023.
2. Daniel Arun Kumar
S/o. Aruldass, No.8028, Osian Chlorophyll
Apartment, Devi Parasakthi, Porur, Chennai -
600 116.

..Respondent(s)

Prayer: This petition is filed under Section 482 of Cr.P.C to call for the records pertaining to FIR Crime No.9/2023 pending on the file of the I respondent Police and quash the same and to pass such further or other orders

For Petitioner(s): M/s. T. Karthikeyan
S.Ashok Kumar
R. Ramesh

For Respondent(s): Mr.A. Gopinath For R1
Mr. S.Veeraraghavan for R2.

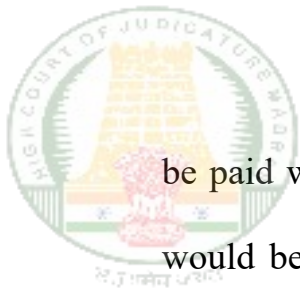


ORDER

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This petition has been filed by the petitioners to quash the FIR in Crime No.9 of 2023 pending on the file of the first respondent.

2. The facts of the case is that the second respondent lodged a complaint before the first respondent for the offence punishable under Sections 120-B, 34, 406 and 420 of I.P.C. It is alleged that the petitioners are the directors of S.T.S.K. Proptech Private Limited and the second respondent was searching a house for lease and approached the petitioners to find a house for lease. Out of search the company found a house at Osian Chlorophyll apartment at Porur. The house was fitted to the requirement of the defacto complainant, but the owner of the house did not opt to lease the house but agreed to rent the same for a monthly rent of Rs.30,000/- The second respondent also agreed for rent. In the mean while the petitioners induced the defacto complainant to give the lease amount of Rs.17,50,000/- to the Company and in turn they agreed to pay Rs.30,000/- as interest for the said paid which could be paid as rent. The defacto complainant paid a sum of Rs.17,50,000/- to the company by way of bank transfers to the STSK Proptech Private Ltd on 21.12.2021. An investment agreement was also entered between the defacto complainant and the company. As per the agreement after 2 years the principal amount of Rs.17.5 lakhs shall



be paid without any deduction and also further agreed that the interest amount would be paid to the landlord bank account as rent every month. It is further agreed that if the company fails to pay the interest to be paid as rent for 3 months, the agreement would be treated as cancelled or nullified. Thereafter, the defacto complainant was not permitted to occupy the premises and came to understand that the accused had taken the entire amount and cheated the second respondent. Hence the second respondent has registered an F.I.R against the petitioners and other accused persons. To quash the same the petitioners has come up with this petition.

3. The learned counsel for the petitioner submits that the petitioners herein are arrayed as A3 and A4 and they have nothing to do with the alleged occurrence since they are sleeping parties. They have not entered into any agreement or contract or dealt with any money transactions with anyone in the capacity as Directors. In fact the petitioners never participated or took part in the day to day activities of the company. The petitioners were not even paid the salary for their employment in full. Since the petitioners were not able to continue with their employment they decided to quit the company as well from the Directorship and tendered their resignation letter and the same was duly accepted by the company. Thereafter, the petitioners was terminated on 27.10.2020. On the date of alleged transaction the petitioners were not Directors



and no way connected with the alleged offence as alleged by the second respondent. Hence, prays for quashing of the F.I.R

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4.The learned Government Pleader appearing for the first respondent would submit that the investigation is almost completed and the respondent police have only to file final report.

5. On a perusal of records also the submissions of the second respondent reveals that the Modus Operandi used by the petitioners is that they will collect huge sum from the persons who approach for a rent house. After collecting huge money they will show the house and will not either permit to occupy the house or return the amount. So far four cases were registered against the said company in Crime No.25 of 2023(Avadi CCB Police), Cr.No.24 of 2023(Mennur Police Bengaluru City), Cr.No.390 of 2022(Agrahara Police Station) and Crime No. 9f o2023(CCB Vepery Chennai). Hence, it is made clear that the petitioners herein not only cheated the second respondent but also cheated other persons also.

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 & 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; ”

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 2023 the first respondent is directed to complete the investigation in Crime No.9 of 2023 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.



10. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

20-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

smn

To.

1. The Inspector Of Police, Central Crime Branch-i, Chennai - Ccb District, Vepery, Chennai.
2. The Public Prosecutor, High Court Madras



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G.K.ILANTHIRAIYAN, J.

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