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CRL OP No. 21620 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP Nos. 21620 and 22241 of 2023

AND

CRL MP Nos. 21716, 15462 and 15379 of 2023

1. Shyamala
W/o Thangaraj,
2. Kannan
S/o Thangaraj,
3. Hari
S/o Thangaraj,
All Are Residing At
Plot No.24, Royal Olive
Apartments, D.No.1a, 1st Floor,
Mgr Street, Santhosapuram,
Chennai 600073

..Petitioner in Cr.O.P.No. 21620 of 2023

1. Mr.R. Dhakshina Moorthy

..Petitioner in Cr.O.P.No. 22241 of 2023

Vs

1. Inspector Of Police
Koothanallur Police Station,
Thiruvarur District
2. R.Dakshinamoorthy S/o
Rajamanickam, No.16, Voc
Street, Thiruvarur



..Respondent in Cr.O.P.No. 20621
of 2023

1. State Represented by the Inspector Of Police
Koothanallur Police Station, Thiruvarur District

2. Mr.T.Kannan

..Respondents in Cr.O.P.No. 20621 of 2023

Prayer in Cr.O.P.No. 21620 of 2023: This petition is filed under Section 482 of Cr.P.C to Call for the records in Crime No.286/2023 on the file of the respondent police and Quash the Same as against the petitioner and thus render justice.

Prayer in Crl.O.P.No.22241 of 2023: This petition is filed under Section 482 of Cr.P.C to Call for the records in Crime No.469/2021 pending on the file of the first respondent police, Inspector of Police, Koothanallur Police Station, Thiruvarur and Quash the Same as against the petitioner and thus render justice.
(In Crl.O.P.No.21620 of 2023)

For Petitioner(s):	M/s S.Jim Raj Milton S.Parthasarathi R.Rajavigneshwari Addl Typed Set Filed
For Respondent -1	: Mr.A. Gopinath, Government Advocate M/s.D.Prabu
For Respondent-2:	V.Johnson Yuvaraj-ms/314/2010 M.Muthuraj-ms/401/2010 M.Suresh-ms/372/2010 Counsel For Respondent (In Crl.O.P.No.21620 of 2023)



ORDER

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Cr.O.P.No. 21620 of 2023 has been filed to quash the F.I.R. in Crime No.286 of 2023 registered by the first respondent police for offences under Sections 420,421, 465 and 500 of of IPC, as against the petitioner.

CrI.O.P.No.22241 of 2023 is filed to quash the F.I.R in Crime No.469/2021 pending on the file of the first respondent police, Inspector of Police, Koothanallur Police Station, Thiruvarur and Quash the Same as against the petitioner

2. Brief facts necessary for the disposal of the case is as follows:

2.1. The facts of the case is that that all the petitioners in Cr.O.P.No. 21620 of 2023 belong to a same family and the first petitioner is taking care of the subject property. Since the first petitioner shifted to Chennai he appointed on Rajendran to take care of the property. While being so the said Rajendran obtained the signature of the first petitioner in blank papers stating that it was necessary for him to deal with the revenue authorities and to obtain free electricity and agricultural subsidies. When this being the case, the Rajendran took the said empty blank papers and created bogus documents as if the first



petitioner in Cr.O.P.No. 21620 of 2023 had borrowed a sum of Rs.10 lakhs.

Thereafter, the said Rajendran colluded with one Dhakshinamoorthy/ petitioner in Cr.O.P.No. 22241 of 2023 and created a forged sale agreement.

2.2. It is also seen from records that several petitions have been filed by the petitioners in Cr.O.P.No. 21620 of 2023 to prove the fraud committed by the said Rajendran and also preferred a complaint before the Superintendent of police, Thiruvarur and the same did not evoke any action. Finally a complaint was filed by the second respondent Cr.O.P.No. 21620 of 2023 and the respondent also registered the same in Cr.No.469 of 2021 against the said Dhakshnima Moorthy and Rajendran.

2.3. The case of the petitioner in Cr.O.P.No.2241 of 2023 is that the first petitioner in Cr.O.P.No.21620 of 2023 by name Shyamala has entered into the Sale agreement dated 19.07.2023 with one Rajendran and subsequently the parties to the sale agreement was not in a position to proceed further and as such the petitioner entered into a sale agreement dated 06.12.2004 with the said Shyamala and has also settled the advance amount of Rs.10,00,0000 to Mr.Rajendran and Mrs. Shyamala has admittedly handed over the possession of the property on the date of Sale Agreement and since then the petitioner is in absolute possession and enjoyment of the property. Hence the petitioner has



filed a complaint against the petitioners in Cr.O.P.No. 21620 of 2023 in Cr.No.286 of 2023.

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3. To quash both the F.I.R's in Cr.No.469 of 2021 and Cr.No.286 of 2023 the present petitions have been filed .

4. After filing of this petition the petitioner in Crl.O.P.No.21620/2023 has filed a suit for specific performance in O.S.No.21 of 2012 on the file of the Principal District Court, Tiruvarur. While pending suit an application was filed to send the documents for seeking handwriting expert opinion in I.A.No.15/2025 in O.S.No. 21 of 2012 and the same was allowed on 29.01.2026 and all the documents was sent to the Foresnic lab to obtain expert opinion and a report was obtained that the signatures in the documents are forged ones. Therefore, the second respondent in Crl.O.P.No.21620 of 2023/ Dakshinamoorthy has made out a prima facie case to register the F.I.R in Cr. No.469 of 2021 which was filed against him. Therefore both the F.I.R's cannot be quashed at the threshold.

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 petitioners 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 its 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;*



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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 2021 and 2023 the respondent/police is directed to complete the investigation in



both the Crime Nos. 286 of 2023 and 469 of 2021 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, these Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SMN
To.
1. The Inspector Of Police
Koothanallur Police Station, Thiruvavarur District

2. The Public Prosecutor, High Court, Madras



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CRL OP No. 21620 of 2



G.K.ILANTHIRAIYAN, J.

SMN

**CRL OP Nos. 21620 and 22241 of 2023
AND
CRL MP Nos. 21716, 15462 and 15379 of 2023**

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