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CrI.O.P.No.22516 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.22516 of 2023 and
CrI.MP.No.15708 of 2023

R.Jayaprakash

... Petitioner

Vs.

1.The STATE, REP BY its
INSPECTOR OF POLICE,
J8, Neelangarai POLICE STATION,
CHENNAI
2.Srinivasan

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records in FIR in Cr.No.823 of 2021 on the file of
the first respondent police and to quash the same.

For Petitioner : Mr.R.Rajarajan

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This criminal original petition has been filed praying to
quash the FIR in Cr.No.823 of 2021 on the file of the first respondent



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police.

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2. The case of the prosecution is that the 2nd Respondent is the defacto complainant and he was running a petrol bunk under the name and style of VSV Agency and a construction business under the name of VSV Construction from 2005. The 2nd Respondent/defacto complainant was married to one, Buvana and through the marriage, he had one daughter namely Ms.Sheela and one son i.e. Master. Varshath Venket. The defacto complainant and his wife are living separately due to difference of opinion between them and there is also matrimonial case is pending before the family court. The defacto complainant came to be acquainted with the petitioner through an insurance agent Mr. Thiyagarajan. The defacto complainant had received the loan Rs.10,00,000/- (Rupees Ten Lakhs only) for interest at the rate of 4% in the month of June 2020 from the wife of petitioner. The defacto complainant had also given the documents for the property at Nerkundram standing in the name of his mother and undated cheques as security. The defacto complainant so far paid Rs.3,50,000/- (Rupees Three Lakhs and Fifty thousand only) to the petitioner and due to covidm, he could not able to pay the interest from march 2021. Therefore the petitioner with his henchman often visited the petrol bunk and quarrelled with the defacto complainant. On 08.12.2021



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at about 6:30 AM, the petitioner, Thiagarajan and 6 others who can be identified, illegally trespassed the house of the defacto complainant and beaten him. The defacto complainant was abducted in red colour Polo car. The defacto complainant was taken to Mahalakshmi Theatre at Choolai. They had also gagged the mouth of the defacto complainant and therefore he could not open his mouth. When the car was crossing Koyambedu bridge, they had closed the eyes and mouth of the defacto complainant by tape. The petitioner coerced the defacto complainant to speak with his staff Anjali through phone. As per the instruction of the defacto complainant, Anajli had transferred money of Rs.10,00,000/- through online payment mode. After receipt of payment, the defacto complainant was taken to Sangeetha Hotel near SIET College at Teynampet. From Sangeetha Hotel, the defacto complainant had escaped and spoken to his advocate Prabhakaran at 9:30 PM. Immediately, both the defacto complainant and his advocate came to the Respondent police and filed the present complaint, pursuant to which FIR was registered against the petitioner.

3. The learned counsel for the petitioner submits that there is absolutely no allegation against the petitioner to attract the aforesaid offences. Even according to the second respondent, he borrowed loan from the petitioner and the same was repaid. Therefore, no offence is

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made out against the petitioner. Hence he prayed to quash the impugned FIR.

4. The learned Government Advocate(crl.side) appearing for the first respondent police would submit that the investigation in respect of the impugned FIR is yet to be completed. Hence, he prayed for dismissal of this criminal original petition.

5. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(crl.side) appearing for the first respondent police and perused all the materials placed before this Court.

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.



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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

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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*



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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 FIR is of the year 2021, the first respondent is directed to complete the investigation in Crime No.823 of 2021 and file a final report within a period of six weeks from the date of receipt of this Order, before the jurisdiction Magistrate, if not already filed.



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10. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

The STATE, REP BY its
INSPECTOR OF POLICE,
J8, Neelangarai POLICE STATION,
CHENNAI



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G.K.ILANTHIRAIYAN, J.

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