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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2026

CORAM:

THE HONOURABLE JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 29048 of 2026
and
Crl.M.P. No.19395 of 2026

Case QR

CNR: {HCMA012391422026}

1. Ayyanar
   S/o Sundararajan,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

2. Hariharan
   S/o Govinthan,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

3. Ramachandran
   S/o Govinthan,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

4. Sundrarajan @ Sundarasu
   S/o Sowthar,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

5. Parvathy
   W/o Sundararajan,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

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6. Baskaran
   S/o Sundararajan,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

7. Bharathi
   W/o Ayyanar,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

8. Sudha
   W/o Hariharan,
   Mettu Street,
   Vadamalaiyanur,
   Kallakurichi District-605803.

..Petitioner(s)

Vs

1. The State Rep by The Inspector of Police
   Thirukoilur Police Station,
   Kallakurichi District.
   Crime No.649/2021

2. Jayabalan
   S/o Kesavan,
   Mettu Street,
   Vadamalaiyanur, Thirukoilur TK,
   Kallakurichi District-605803.

..Respondent(s)

PRAYER: To call for the records and quash the FIR in Crime No.649 of 2021 on the file of the 1st respondent police and thus render justice.

For Petitioner(s): U.Kathiravan
G.Anand Kumar

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M.Praveen Kumar
R.Rajesh
D.Vignesh

For Respondent(s): Mr.A.Amarnath,
Additional Public Prosecutor for R1

Mr.K.T.S.Shivakumar for R2.

O R D E R

This petition has been filed to quash the FIR in Crime No.649 of 2021 on the file of the 1st respondent police.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.Based on the complaint lodged by the second respondent, the first respondent registered a case for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2) of the IPC alleging that on 27.05.2021 at about 3 p.m., when the defacto complainant was carrying on agricultural work in his agricultural land along with his elder brother and others, all the accused allegedly came to the said place and questioned the defacto complainant and his brother regarding the alleged encroachment of the boundary of the land and all the accused attacked the defacto complainant and his brother with sickle and iron pipe and caused several injuries and threatened them with dire consequences.

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4.It is seen from the FIR 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 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.

5.The Hon'ble Supreme Court of India in it's 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

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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 not 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.

6.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. .....

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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*

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allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR; .....”

7.In view of the above discussions, this Court is not inclined to quash the FIR. However, the first respondent is directed to complete the investigation in Crime No.649 of 2021 and file a final report within a period of eight weeks from the date of receipt of copy of this Order, before the jurisdictional Magistrate, if not already filed.

8.Accordingly, the Criminal Original Petition stand dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

17-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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G.K. ILANTHIRAIYAN, J

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To

1.The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.

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

CRL OP No. 29048 of 2026
and
Crl.M.P. No.19395 of 2026

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