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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31053 of 2026 and
Crl.M.P.No.20491 of 2026

CNR: {HCMA012402902026}

Hemachandran S.R
S/o Rajavelu,
Residing at
No.72A/C,
Kamatchiamman Koil Sannathi Street,
Kanchipuram.

..Petitioner(s)

Vs

1. The State rep by the Inspector of Police
   District Crime Branch,
   Kanchipuram.
   Crime no.9 of 2026.
2. V.Ravikumar
   S/o Vadivel,
   Residing at No.45, Perumal Koil Street,
   Karur,
   Kanchipuram Taluk.

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for entire records in connection with the Crime no.9 of 2026 on the file of the District Crime Branch, Kanchipuram and Quash the same.

For Petitioner(s): Mr.V.Sairam

For Respondent(s): Mr.R.Ganesh Kumar, Additional Public Prosecutor for R1

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ORDER

This petition has been filed to quash the F.I.R. in Crime No.9 of 2026 registered by the first respondent police for offences under Sections 336(2), 336(3), 340(2), 318(4) and 3(5) of the BNS Act , as against the petitioner.

2. The case of the prosecution is that the petitioner had given loan to the defacto complainant for a sum of Rs.1,00,000/- and in turn the defacto complainant has given property documents for security purpose and executed a power of attorney in favour of the driver of the petitioner. It is alleged that when the defacto complainant tried to pay the borrowed money with interest, the petitioner was refusing to revive the same. It is alleged that the petitioner has misused the power of attorney and created encumbrance in the subject property. Hence, the second respondent has lodged a complaint against the petitioner before the first respondent. To quash the same the petitioner has filed this present petition.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No. 9 of 2026 for the offences under Sections 336(2), 336(3), 340(2), 318(4) and 3(5) of the BNS Act, as against the petitioner. Hence he prayed to quash the same.

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4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police have only to file final report.

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 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 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

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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 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.

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***

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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

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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 in Crime No. 9 of 2026 on the file of the first respondent. Accordingly, the Criminal Original Petition stand dismissed. Consequently, connected miscellaneous petition is also closed.

27-10-2026

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

SMN
To.

1. The Inspector of Police
District Crime Branch,Kanchipuram.

2. The Public Prosecutor,
High Court, Madras

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G.K.ILANTHIRAIYAN, J.

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