Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31154 of 2026

CNR:{HCMA012505312026}

AND CRL MP NO. 20676 OF 2026

Arunkumar
S/o Kannan,
No.7, B Iyappa Nagar,
Second Street,
Papanaickenpalayam Road,
Kanuvai,
Coimbatore,
Tamilnadu.

..Petitioner(s)

Vs

1. The State Represented by
   The Inspector of Police,
   AWPS, Periyanaickenpalayam,
   Coimbatore,
   Coimbatore.
   Crime No.12 of 2026.

2. A.Divya
   W/o Arunkumar,
   No.24/7, Ashok Nagar,
   Kavundampalayam Junction,
   Near St.Joseph Church,
   Kavundampalayam,
   Coimbatore North Taluk,
   Coimbatore District,
   Tamilnadu.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records in Crime No.12 of 2026 (On the file of the 1st Respondent Police Station) and to quash the same.

For Petitioner(s): Mr.G.Ashokkumar

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

Order

This Criminal Original Petition has been filed seeking to call for the records pertaining to Crime No.12 of 2026 on the file of the first respondent police and to quash the same.

2.The case of the prosecution is that the petitioner and his family members had cheated the defacto complainant and that the petitioner had been in a physical relationship with the defacto complainant for a period of three years on the promise of marriage. When their relationship came to the knowledge of their respective families, the petitioner allegedly refused to marry her and threatened her with dire consequences if she caused any trouble. The petitioner further allegedly threatened to circulate the intimate photographs and videos of the defacto complainant on social media. Pursuant to her complaint before the All Women Police Station, Central Police Station, Coimbatore, the petitioner and his family members sought ten days' time to make arrangements for the marriage. Accordingly, the petitioner married the defacto complainant on 12.02.2025 at Marudamalai Murugan Temple, Coimbatore, in the absence of his family members. After the marriage, the petitioner allegedly pledged the jewellery belonging to the defacto complainant to meet his expenses and refused to lead a matrimonial life with her. His family members allegedly

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demanded 50 sovereigns of gold as dowry. Further, his brother allegedly threatened to murder the father of the defacto complainant, while his brother-in-law also allegedly threatened the defacto complainant and demanded dowry. Based on the complaint lodged by the defacto complainant, a case was registered against the petitioner for the offences under Sections 296(b), 351(3), 69 and 83 of the Bharatiya Nyaya Sanhita, 2023, and Section 4 of the Dowry Prohibition Act, 1961.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. Without any basis, the third respondent police registered a case in Crime No.12 of 2024 against the petitioner for the offences under Sections 296(b), 351(3), 69 and 83 of the Bharatiya Nyaya Sanhita, 2023, and Section 4 of the Dowry Prohibition Act, 1961. Hence, he prays that this Criminal Original Petition may be allowed.

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

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

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6.On perusal of the First Information Report, it is seen that specific allegations have been made against the petitioner, prima facie attracting the offences alleged, which require an in-depth investigation. Further, an FIR is not an encyclopaedia and need not contain all the facts and details relating to the alleged offences. Therefore, the FIR cannot be quashed at the threshold. This Court finds that the FIR discloses the prima facie commission of cognizable offences and, as such, this Court is not inclined to interfere with the investigation. The investigating agency has to investigate and unearth the alleged crime in accordance with the procedure prescribed by law.

7.The Hon'ble Supreme Court of India, in its judgment reported in ***2019 (14) SCC 350,*** in the case of ***Sau. Kamal Shivaji Pokarnekar v. The State of Maharashtra and Others (Crl.A.No.255 of 2019, dated 12.02.2019)***, held that while taking cognizance and issuing summons, the learned Magistrate is required to apply his judicial mind only for the purpose of ascertaining whether a prima facie case has been made out for summoning the accused. The learned Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, as the Magistrate must not undertake an exercise to ascertain whether such materials would ultimately lead to a conviction. Only where the complaint does not disclose any offence or is frivolous, vexatious or oppressive can the complaint or FIR be considered for quashing. If the allegations set out in the complaint do not constitute the offence of which

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cognizance has been taken by the Magistrate, the same may be considered for quashing. Therefore, a meticulous analysis of the case is not necessary at the pre-trial stage to determine whether the proceedings would ultimately end in conviction or acquittal. If, on a reading of the complaint and consideration of the allegations therein, in the light of the statements made on oath, the ingredients of the alleged offence are disclosed, there would be no justification for interference. 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 raised on behalf of the accused. Therefore, a criminal complaint cannot be quashed merely on the ground that the allegations made therein appear to be civil in nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceedings shall not be interdicted.

8.Further, the Hon'ble Supreme Court of India, in the judgment reported in ***2021 SCC OnLine SC 315,*** in the case of ***M/s. Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and Others***, issued the following directions:

"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 exercises its power under Section 482 Cr.P.C., it has only to consider whether the allegations in the FIR disclose the commission of a cognizable offence or not. The court is not required to consider on merits whether the allegations ultimately establish the commission of a cognizable offence, and

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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 that the alleged occurrence relates to the year 2024, the first respondent is directed to complete the investigation in Crime No.12 of 2026 and file a final report before the jurisdictional Magistrate within a period of twelve weeks from the date of receipt of a copy of this order, if not already filed.

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

28-10-2026

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

To

1.The Inspector of Police
AWPS, Periyanaickenpalayam, Coimbatore,
Coimbatore.

2.The Public Prosecutor,
High Court,
Madras.

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