Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31153 of 2026

CNR:{HCMA012559292026}

AND CRL MP NO. 20674 OF 2026

1. Kavitha
   W/o Arun prakash,
   No.201A, N.G.R.Street,
   Jothipuram Post,
   Coimbatore District.

2. Arun Prakash
   S/o Late S.K.P.Pechiannan,
   No.201 A, N.G.R.Street,
   Jothipuram Post,
   Coimbatore District.

..Petitioner(s)

Vs

1. The State Rep. by,
   The Inspector of Police,
   Periyanaickenpalayam Police Station,
   Coimbatore District.
   Crime No.354 of 2026.

2. Rajamani
   D/o Late Maruthachalam,
   No.4D, Ramar Kovil Street,
   Thirumalainaickenpalayam,
   Jothipuram Post,
   Coimbatore.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the entire records pertaining to Cr.No.354 of 2026 on the file of the Inspector of Police, Periyanaickenpalayam Police Station, Coimbatore District, the 1st Respondent herein and quash the same.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner(s): Mr.E.Kannadasan,
for V.Kaaviya

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

Order

This Criminal Original Petition has been filed seeking to call for the entire records pertaining to Crime No.354 of 2026 on the file of the Inspector of Police, Periyanaickenpalayam Police Station, Coimbatore District, the first respondent herein, and to quash the same.

2.The case of the prosecution is that the sons of the defacto complainant's maternal uncle had fraudulently sold her maternal grandfather's ancestral property, measuring 2.50 acres in S.No.58, Kuppepalayam Village, without the knowledge of her mother and herself. In this regard, she had already instituted O.S.No.176 of 2005 before the Principal Subordinate Court, Coimbatore, which is pending. The defacto complainant was acquainted with the first petitioner, who was running a documentation office at Periyanaickenpalayam. The first and second petitioners are a document writer and an Advocate, respectively. On 08.04.2024, the defacto complainant, along with Mrs. Shenbagavalli, visited the office of the first petitioner and informed him about the pendency of the civil suit. The petitioners assured her that her name would be included in the patta and that the suit would be decreed in her favour on the basis of the patta. They

https://www.mhc.tn.gov.in/judis

WEB COPY

further demanded a sum of Rs.2,00,000/- from her. Accordingly, the defacto complainant transferred a sum of Rs.95,000/- each on 09.04.2024 and 10.04.2024 through Google Pay from the bank account of one Saritha to the account of the first petitioner. She also transferred a sum of Rs.10,000/- on 17.04.2024 from the bank account of one Deepa, a relative of the defacto complainant. The said amounts were allegedly paid towards expenses for effecting changes in the revenue records and professional charges for including her name in the patta. However, despite receiving the amounts, the petitioners failed to effect the patta transfer as promised, thereby allegedly cheating the defacto complainant. When questioned by the defacto complainant, the petitioners neither took any steps in this regard nor returned the amount received from her. Hence, the defacto complainant lodged a complaint on 19.12.2025, based on which CSR No.834 of 2025 was assigned. Subsequently, the first respondent police registered a case in Crime No.354 of 2026 for the offence under Section 420 of the IPC.

3.The learned counsel appearing for the petitioners submits that there is an ambiguity with regard to the complaints dated 19.12.2025 and 07.06.2026, which raises doubts regarding the registration of the FIR. Hence, he prays that this Criminal Original Petition may be allowed.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

5.On perusal of the records, it is seen that the defacto complainant lodged a complaint before the first respondent police on 19.12.2025, for which CSR No.834 of 2025 was assigned. After conducting a preliminary enquiry, the first respondent registered the FIR. Hence, there is nothing improper in registering the FIR based on the complaint lodged by the defacto complainant.

6.It is further seen from the First Information Report that specific allegations have been made against the petitioners, prima facie attracting the offence alleged, which requires an in-depth investigation. Further, an FIR is not an encyclopaedia and need not contain all the facts and details relating to the alleged offence. Therefore, the FIR cannot be quashed at the threshold. This Court finds that the FIR discloses the prima facie commission of a cognizable offence and, as such, this Court is not inclined to interfere with the investigation. The investigating agency has to step in, 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

https://www.mhc.tn.gov.in/judis

WEB COPY

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 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.

https://www.mhc.tn.gov.in/judis

WEB COPY

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;*
>
> *.....*
>
> *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*

https://www.mhc.tn.gov.in/judis

WEB COPY

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 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.354 of 2026 and file a final report before the jurisdictional Magistrate within a period of three months from the date of receipt of a copy of this order, if not already filed.

https://www.mhc.tn.gov.in/judis

WEB COPY

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,
Periyanaickenpalayam Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court,
Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN J.

AH

CRL OP No. 31153 of 2026
AND
CRL MP NO. 20674 OF 2026

28-10-2026

https://www.mhc.tn.gov.in/judis