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STATE OF TAMIL NADU
v.
THIRUKKURAL PERUMAL

JANUARY 31, 1995

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[DR. A.S. ANAND AND FAIZAN UDDIN, JJ.]

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Criminal Law—Criminal Procedure Code—Section 482—Quashing of F.I.R.—Court cannot embark upon an enquiry as to reliability or genuineness of allegations made in F.I.R. or complaint on the basis of evidence collected during investigation only.

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An F.I.R. was lodged against the respondent alleging commission of offences under Sections 147/148/342/323/395/500(ii) and 109 IPC. The respondent filed a petition under S.482 Cr. P.C. in the High Court for quashing of the F.I.R. The High Court quashed the F.I.R. against which the present appeal has been filed.

Allowing the appeal, this Court

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HELD : The power of quashing of F.I.R. and criminal proceedings should be exercised sparingly by the courts. Indeed, the High Court has the extra-ordinary or inherent power to reach out injustice and quash the F.I.R. and criminal proceedings but the same has to be done with circumspection. The normal process of the criminal trial cannot be cut short in a rather casual manner. The High Court was not justified in embarking upon an enquiry as to the reliability or genuineness of the allegations made in the F.I.R. or the complaint on the basis of the evidence collected during investigation only. [713-G-H]

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State of Haryana and Ors. v. Bhajan Lal and Ors., [1992] Supp. 1 SCC 335, relied upon.

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CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 218 of 1995

From the Judgment and Order dated 9.11.93 of the Madras High Court in Crl. O.P. No. 8730 of 1992.

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K.V. Venkataraman for the Appellant.

V.G. Pragasam for the Respondent.

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The following Order of the Court was delivered :

Leave granted.

This appeal arises out of an order made by a learned single Judge of the High Court of Judicature at Madras on 9th November, 1993, in Criminal Original Petition No. 8730/92, CrI. M.P. No. 4794/92 and CrI. M.P. No. 6765/92. The learned Judge quashed the First Information Report, Crime No. 246/92 of P.S. Tallakulam, in so far as the respondent is concerned as also the criminal proceedings emanating therefrom against him.

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We have gone through the order of the learned Single Judge and heard learned counsel for the parties.

M.S.K. Shanmugovel Chettiyar lodged a first information report at P.S. Tallakulam against the respondents alleging commission of offences under Sections 147/148/342/323/395/500(ii) and 109 IPC. Investigation was taken in hand and some evidence was collected by the investigating agency. The respondent filed a petition under Section 482 Cr.P.C. in the High Court and by the imugned order the petition was allowed and the proceedings emanating from crime case 246/92 (supra) were quashed. From a bare perusal of the order of the learned Single Judge it appears that while quashing the proceedings reliance, has been placed upon some evidence collected by the investigating agency during the investigation. The approach of the learned Judge in relying upon such evidence, which is yet to be produced before the trial court, to quash the criminal proceedings in crime case No. 246/92 (supra) was not proper. The power of quashing a FIR and criminal proceeding should be exercised sparingly by the courts. Indeed, the High Court has the extra-ordinary or inherent power to reach out injustice and quash the First Information Report and criminal proceedings, keeping in view the guidelines laid down by this Court in various judgments (reference in this connection may be made with advantage to *State of Haryana & Ors. v. Bhajan Lal & Ors.*, [1992] Supp. 1 SCC 335 but the same has to be done with circumspection. The normal process of the criminal trial cannot be cut short in a rather casual manner. The Court, is not justified in embarking upon an enquiry as to the reliability or genuineness of the allegations made in the FIR or the complaint on the basis of

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- A the evidence collected during investigation only while dealing with a petition under Section 482 Cr.P.C. seeking the quashing of the FIR and the criminal proceedings. The learned Single Judge apparently fell into an error in evaluating the genuineness and reliability of the allegations made in the FIR on the basis of the evidence collected during the investigation.
- B The order of the learned Single Judge cannot, therefore, be sustained. This appeal succeeds and is allowed. The impugned order of the High Court is hereby set aside.

- C We clarify that nothing said hereinabove or by the learned Single Judge of the High Court in the impugned Judgement shall be construed as any expression of opinion on the merits of the case, expressly or impliedly, and the trial court shall deal with the case uninfluenced by any of the observations made by the High Court or by this Court.

A.G.

Appeal allowed.