

2025 LiveLaw (SC) 357

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ABHAY S. OKA; J., UJJAL BHUYAN; J.**

March 07, 2025

**CRIMINAL APPEAL NO.1224 OF 2025 (Arising out of S.L.P.(Criminal) No.14318 of 2024)
KULANDAISAMY & ANR. *versus* STATE REPRESENTED BY ITS INSPECTOR OF POLICE & ANR.**

Code of Criminal Procedure, 1973; Section 482 - Quashing of FIR - Preliminary Stage of Investigation - There is no absolute rule that the High Court cannot interfere in a Section 482 CrPC petition if the investigation is at a primary stage.

[Arising out of impugned final judgment and order dated 01-04-2024 in CRLOP No. 7963/2024 passed by the High Court of Judicature at Madras]

For Petitioner(s): Mr. Basant R., Sr. Adv. Mr. Sudarsh Menon, AOR Mr. Rajesh Rathod, Adv. Mr. Akash Rajeev, Adv. Mrs. Nimisha S. Menon, Adv. Mr. Kavinesh Rm, Adv. Mr. Naman Vishishtha, Adv.

For Respondent(s): Mr. V.Krishnamurthy, Sr. A.A.G. Mr. Sabarish Subramanian, AOR Mr. Vishnu Unnikrishnan, Adv. Ms. Azka Sheikh Kalia, Adv. Ms. Jahnavi Taneja, Adv. Mr. Veshal Tyagi, Adv. Mr. Danish Saifi, Adv. Mr. Balaji Srinivasan, AOR Mr. S. Sabarivasen, Adv. Ms. Harsha Tripathi, Adv.

ORDER

Leave granted.

Heard the learned counsel appearing for the parties.

The counter affidavit filed by the respondent-State shows that the investigation is still at the preliminary stage.

The appellants filed a petition for quashing First Information Report. In paragraph 6 of the impugned judgment, the High Court observed that there appears to be some material for the investigation to proceed, but at the same time, it was observed that the issue involved in the present case was of a civil nature. Perhaps, the High Court was of the view that the investigation cannot be interfered with at "an infancy stage". There is no absolute rule that even if the investigation is at a preliminary stage, the Court exercising jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the CRPC") cannot interfere.

Paragraph 7 of the impugned order reads thus:

"Accordingly, this Criminal Original Petition stands dismissed. However, liberty is granted to the petitioners to produce all the requisite documents to disprove the contents of the FIR before the Law Enforcing Agency and the Law Enforcing Agency shall refer the matter as mistake of fact subject to the cognizability of the offence. Consequently, connected miscellaneous petition is closed."

While dealing with a petition under Section 482 of the CRPC, such approach, as can be seen in paragraph 7 above, on the part of the High Court is unheard of. All that we can see from the impugned judgment is that the High Court has not considered the plea of the appellants for quashing the First Information Report on merits.

Therefore, we quash and set aside the impugned order dated 1st April, 2024 and restore Criminal O.P.No.7963 of 2024 to the file of the High Court of Judicature at Madras. The restored petition shall be listed on 24th March, 2025 in the morning before the roster Bench. The parties represented today shall be under an obligation to appear before the High Court on that day and no further notice shall be served.

A copy of this order shall be forwarded by the Registry of this Court to the Registrar (Judicial) of the High Court of Judicature at Madras who shall ensure that the restored petition is listed before the High Court.

All questions are left open to be decided by the High Court.

The appeal is partly allowed on the above terms.

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