

Supreme Court of India

State Of Tamil Nadu vs Thirukkural Perumal on 31 January, 1995

Equivalent citations: 1995 SCC (2) 449, JT 1995 (3) 166

Author: A Anand

Bench: Anand, A.S. (J)

PETITIONER:

STATE OF TAMIL NADU

Vs.

RESPONDENT:

THIRUKKURAL PERUMAL

DATE OF JUDGMENT 31/01/1995

BENCH:

ANAND, A.S. (J)

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ANAND, A.S. (J)

FAIZAN UDDIN (J)

CITATION:

1995 SCC (2) 449 JT 1995 (3) 166

1995 SCALE (1) 423

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Leave granted.

2. 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, Crl. M.P.No.4794/92 and Crl.M.P. 6765/92. The learned Judge quashed the First Information Report, Crime No. 246/92 of P.S. Tallakulam, in so far as the respondent to concerned as also the criminal proceedings emanating therefrom against him.

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

4. M.S.K.Shanmugovol Chettiyar lodged a first information report at P.S. Tallakulam against the respondents alleging commission of offences under Section 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 impugned 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 cases No.246/92 (supra) was not proper. The power of quashing a FIR 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 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) 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 of the complaint on the basis of the evidence collected during investigation only while dealing with a petition under Section 432 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. 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.

5. We clarify that nothing said hereinabove or by the learned single Judge of the High Court in the impugned judgment shall be constructed 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.