



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 4675 of 2022

and

Crl.M.P.Nos. 2441 & 2442 of 2022

1. Sudha
W/o Selvakumar
2. Selvakumar
S/o Sengeni @ Kullan
Petitioners 1&2 are residents of
No.71, Nallavadu Road,
Thavalakuppam Village,
Pudhucherry.
3. Panneerselvam
S/o Lakshminarayanan, Paithampadi,
Kavanur Post, Panruti Taluk, Cuddalore District

..Petitioner(s)

Vs

1. The State Rep. by its
Station House Officer - District Crime Branch,
Cuddalore District.
(Crime No.10/2018)
2. Pavadai
S/o Kuppusamy, Ayyar Street, Paithampadi,
Kavanur Post, Panruti Taluk,
Cuddalore District

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records and quash the case against the petitioners in CC.No.149/2021 in the court of the Judicial Magistrate No.II. Panruti, Cuddalore District in Crime No.10/2018 on the file of the 1st respondent and pass any or other such orders.



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For Petitioner(s):

Mr. A.Kumaraguru

For Respondent(s):

Mr.M.Mohamed Riyaz

Government Advocate (Crl. Side) for R1

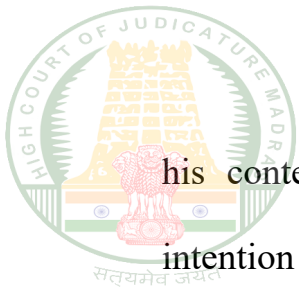
R2 – No Appearance

ORDER

The prayer in the Criminal Original Petition is to quash the final report in C.C.No.149 of 2021 on the file of the Judicial Magistrate No.II, Panruti, Cuddalore District.

2. Upon perusing the allegations contained in the First Information Report and the final report, the complaint against the petitioner is that they ran a business of procuring milk from the Cattle rearers in the area and even though they had made payments to the Farmers initially for some period. Subsequently, they omitted to make the payment and closed the shop and decamped without paying a sum of Rs.32,17,924/- in respect of various persons.

3. The learned counsel for the petitioners by relying upon the judgments of the Hon'ble Supreme Court of India in *M/s.Shikhar Chemicals Vs. State of Uttar Pradesh and another, 2025 INSC 945* and, *Arshad Neyaz Khan Vs. State of Jharkhand and another (2025 Live Law (SC) 950)* would contend that when the matter is pure and simple civil in nature, the final reports cannot stand. It is



his contention that when the petitioners procured milk and there was no intention to cheat. It is only a default on account of the sudden slump in the business of the petitioners as their financial position became worse on account of the demonetization and thereafter, they could not revive themselves and as such, the unit was closed. This is pure and simple civil transaction and when there is no dishonest intention at the inception, no offence under Section 420 is made out.

4. I also heard the learned Government Advocate (Criminal Side), who would produce the statements of the witness and submit that there are materials to proceed.

5. I have considered the rival submissions made on either side and perused the material records of the case. It can be seen that the listed witnesses have also made statement that with reference to the amount due cheques were also given to them and upon presentation of the cheques, the same returned as dishonoured. It is not the case of the petitioners that a separate private complaint for the offence under Section 138 is filed. In that scenario, the de-facto complainant / victims have chosen to give a complaint under Section 420, the same will be very much maintainable. It cannot be said that the matter is civil in nature. Further, it is also further alleged that in order to evade payment, the petitioners closed down the undertaking and vanished from the area. It is



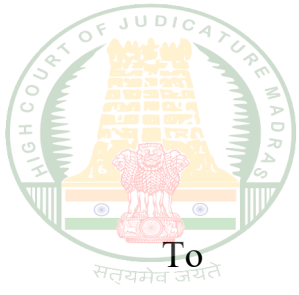
also further stated that when they were confronted, they also threatened the victims. Therefore, I am unable to accept the contention of the learned counsel for the petitioners that the matter is civil in nature, especially, in a case where the poor farmers / cattle rearers were made to give away their milk and, when the amount is not paid and when the business itself is closed down in a clandestine manner.

6. For all the above reasons, the prayer made in the Criminal Original Petition cannot be countenanced and as such, stands dismissed. However, it will be open for the petitioners to make all pleas before the Trial Court and the observations made supra are made only for the purposes of determining whether there is any material as against the petitioners to proceed further so as to decide the quash application. Consequently, connected miscellaneous petitions are closed.

09-07-2026

Neutral Citation: No

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To

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1. The Station House Officer - District Crime Branch,
Cuddalore District.
2. The Judicial Magistrate No.II,
Panruti, Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.



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CRL OP No. 4675 of 2



D.BHARATHA CHAKRAVARTHY, J.

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