



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19391 of 2026

AND

CRL MP NO. 12856 OF 2026,CRL MP NO. 12854 OF 2026

Nitharsan
S/o. Karthikeyan,
2/58A, Karakkottai Taluk,
Manamelkudi Taluk,
Pudukottai,
Tamil Nadu-614630.

Presently Residing at, House No.11,
Zone 53, Street 744, Ooha, Qatar.

..Petitioner(s)

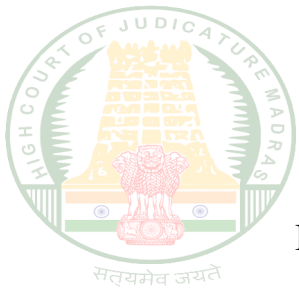
Vs

1. The State Rep. by,
The Inspector of Police
DCB, Mayiladuthurai Police Station,
Mayiladuthurai.
2. Ragavendra
S/o. Ramanathan,
No.2/100, Bharathiyar Street,
Srinivasapuram, Mayiladuthurai.

..Respondent(s)

PRAYER

Criminal Original Petition filed under Sec.528 of B.N.S.S. 2023, praying to call for the records in CC.No.216 of 2024 on the file of Learned Judicial Magistrate No.II,Mayiladuthurai and quash the proceedings as against the Petitioner



For Petitioner(s):

Mr.A.Nagarajan

WEB COPY For Respondent(s):

Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) For R1

ORDER

1. This Criminal Original Petition seeks to quash the proceedings in C.C.No.216 of 2024 on the file of the Judicial Magistrate No.II, Mayiladuthurai.

2. Upon hearing the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) and perusing the First Information Report, the materials collected during investigation and the final report filed, the allegation is that from the de facto complainant, money has been obtained promising job for the brother of the de facto complainant in Trichy Passport Office and thereafter they were cheated.

3. The contention of the learned counsel for the petitioner is that the petitioner and the de facto complainant were staying together while preparing for the TNPSC exams, except for that the petitioner has got nothing to do with the entire allegations. As a matter of fact, the petitioner's relative got introduced to the de facto complainant and without reference to the petitioner, when the de facto complainant has gone ahead and given the money allegedly for the job

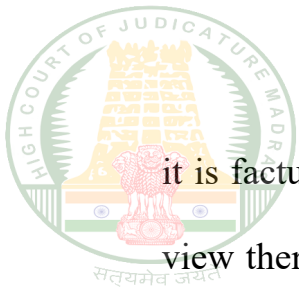


and no money has come to the petitioner's account and the petitioner is not beneficiary in any manner whatsoever. Now, in the complaint, the petitioner's name has also been falsely included, only because the petitioner is now employed and is residing at Qatar. Therefore, the complaint as far as the petitioner is concerned, is nothing but a motivated one to pressurise the family members to settle, with no real intention of prosecuting the petitioner. The case against the petitioner is completely false and this court should interfere.

4. Per contra, learned Counsel for Government of Tamil Nadu (Criminal Side) pointing out the various averments made by the witnesses would submit that the de facto complainant specifically alleges that the petitioner, who has made false promise and he only introduced the other accused and the petitioner also accompanied with the other accused at the time of getting the money and was fully involved in the entire transactions.

5. I have considered the submissions made on either side and perused the material records of the case.

6. It can be seen that the de facto complainant has clearly spoken about the role played by the petitioner. In that event, the submission of the learned counsel for the petitioner that the petitioner is not at all involved and cannot be taken as incontrovertible fact and be considered in the quash petition. Therefore,



it is factual in nature and it can be raised only during the course of the trial. In view thereof, finding no merits, this Criminal Original Petition stands disposed of. At this stage, the learned counsel for the petitioner would submit that the petitioner is being employed in Qatar, his presence before the trial court shall be dispensed with. Considering the hardship pleaded, the presence of the petitioner except for the necessary hearings shall be dispensed with. However, the petitioner shall appoint a counsel, who should identify the petitioner. In respect of the necessary hearings, such as first hearing, questioning also it will be open for the petitioner to appear through video conferencing and the counsel should identify the petitioner. With reference to the questioning, instead of signature the same can be by way of video recording. If the petitioner pleads guilty, he has to come to the country immediately. Otherwise the case can be proceeded further and the petitioner by appointing a counsel shall cooperate fully for the progress of the case. Consequently, connected Criminal Miscellaneous Petitions are closed.

22-07-2026

Neutral Citation: Yes/No

RPP

To

1. The Judicial Magistrate No.II, Mayiladuthurai.

2. The Inspector of Police,
DCB, Mayiladuthurai Police Station, Mayiladuthurai.

3. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL OP No. 19391 of 2



D.BHARATHA CHAKRAVARTHY J.

RPP

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