



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17072 of 2026

AND

CRL MP NO. 11349 OF 2026, CRL MP NO. 11353 OF 2026

1. B.Thiyagarajan
S/o Balamuthuvel,
No.26, Petit Canal Street,
Puducherry.
(Presenly Residing at,
APT-307, 12 Carrington Place,
Buzzer - 307,
Halifax,
NS B3S1J7,
Canada)

2. Balamuthuvel
S/o Chinnappan,
No.26, Petit Canal Street,
Puducherry.

..Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police
Lawspet Police Station,
Puducherry.
Crime No.143 of 2025

2. Venkatasubramaniyan
S/o T.S.Murugan,
Zonal Manager,
Indian Bank,
Puducherry Zone,
Lawspet,
Puducherry.

..Respondent(s)



PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records relating to CC.No.236 of 2025 on the file of the Judicial Magistrate I, Puducherry.

For Petitioner(s): Mr.S.Saravanakumar

For Respondent(s): Mr.M.V.Ramachandra Murthy
Public Prosecutor,
Govt. of Puducherry.

Order

The prayer is to quash the final report in C.C. No.236 of 2025 on the file of the Judicial Magistrate No.I, Puducherry.

2.The learned counsel for the petitioner would submit that the petitioner had obtained the educational loan in accordance with law and that the properties were also initially sold under the SARFAESI proceedings upon the debt not being repaid. Therefore, there is no question of further prosecution of the petitioner.

3.Upon perusal of the statement given by L.W.1, Venkatasubramanian, the Zonal Manager of Indian Bank, it is seen that the property was originally auctioned under the SARFAESI Act. However, subsequently, the auction purchaser sought refund of the money on the ground that the title to the property was not clear. The statement further alleges that one of the documents deposited, namely the registered Settlement Deed/Donation Deed dated 31.03.2000, appears to be a forged document.



4. Thus, it is stated that, with full knowledge, the petitioner made the Bank part with the money. In view of the said averments, I am of the view that there is prima facie material to take the final report on file and proceed further with the trial.

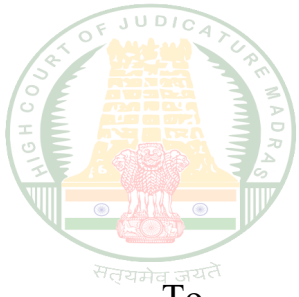
5. The contention of the learned counsel for the petitioner that the petitioner was under a bona fide impression as to the title is a question of fact that has to be established during the trial and cannot be a ground for this Court to entertain this petition for quashing. Leaving open the right of the petitioner to raise all the grounds during the course of the trial, including the nature of the loan, limitation, and the bona fides of the deposited documents, the prayer to quash the charge sheet cannot be entertained by this Court.

6. Accordingly, this Criminal Original Petition stands disposed of. Considering the hardship pleaded, the personal appearance of the accused before the trial Court shall stand dispensed with, except on such hearings as the trial Court may insist upon. Consequently, the connected miscellaneous petitions are closed.

06-07-2026

Neutral Citation: No

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To
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- 1.The Inspector of Police
Lawspet Police Station,
Puducherry.
- 2.The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 17072 of 2



D.BHARATHA CHAKRAVARTHY J.

AH

**CRL OP No. 17072 of 2026
AND CRL MP NO. 11349 OF 2026,
CRL MP NO. 11353 OF 2026**

06-07-2026