



CRL.O.P.No.16748 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM:

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.O.P.No.16748 of 2026
and CRL.M.P.No.11099 of 2026

Gopal

..Petitioner

Vs.

1. State by the Inspector of Police,
Central Crime Branch, Tiruppur City.
Crime No.09 of 2026.

2. Kannan

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS 2023, praying to call for the records on the file of the first respondent in connection with Crime No.0009 of 2026 for the offence under Section 316(4) of BNS and quash the same.

For Petitioner : Mr.V.Paarthiban

For Respondents : Mr.R.Rajasekaran (for R1)
Counsel for Government of Tamil Nadu (Crl.Side)
Mr.Snehan Kandasamy (for R2)



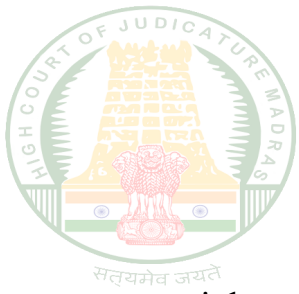
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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report (FIR) in Crime No.0009 of 2026 registered by the first respondent Police.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been arrayed as Accused No.2 in the case registered in Crime No.0009 of 2026 for the offence under Section 316(4) of BNS, which strictly pertains to criminal breach of trust by a clerk or servant. However, the petitioner is admittedly neither a clerk nor a servant of the second respondent/de facto complainant. The learned counsel further submitted that the second respondent is the son-in-law of the petitioner and due to matrimonial disputes between the second respondent and his wife (the petitioner's daughter), this false complaint has been filed against all her family members to coerce them to give consent for mutual divorce and to withdraw from matrimonial proceedings. He further submitted that the petitioner is named as an accused merely because he is the father of Accused No.1 and since no primary ingredients of the offence are made out against the petitioner, it is a fit case for this Court to exercise its



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inherent power to interfere and quash with the FIR.

3. *Per contra*, the learned counsel for Government of Tamil Nadu (Criminal Side), appearing for the first respondent Police, submitted that the FIR contains clear, specific and cognizable allegations targeting both Accused No.1 and Accused No.2 (the petitioner herein).

4. The learned counsel appearing on behalf of the second respondent/de facto complainant submitted that the matrimonial dispute is entirely distinct from the criminal offence. He further submitted that the products of the second respondent/de facto complainant were deliberately misappropriated, re-labeled and sold as the accused's own products, causing an established financial loss.

5. Heard the rival submissions made on either side and perused the materials available on record.

6. A perusal of the FIR reveals specific averments that Accused No.1 (the brother-in-law of the second respondent/de facto complainant)



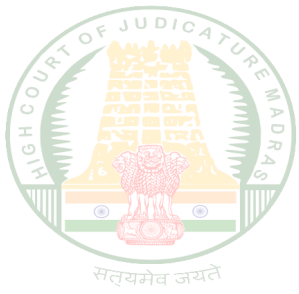
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was employed by the second respondent. Accused No.1 allegedly removed goods from the second respondent's godown, rebranded them under his concern named 'Classic Label' and sold them. This breach of trust caused a wrongful loss to the tune of Rs.50,00,000/-. The FIR explicitly alleges that the entire fraudulent operation was engineered and directed by the petitioner (Accused No.2). Furthermore, specific allegations indicate that illicit money transactions from this operation were routed through the personal bank account of the petitioner.

7. It is a well settled principle of law that mere absence of mislabeling of appropriate penal sections in an FIR is not a valid ground for quashing the proceedings, provided the underlying factual allegations disclose the commission of a cognizable offence.

8. This Court cannot conclude that the FIR is merely an offshoot of matrimonial discord. The allegations are specific, serious and financial in nature, rather than vague or general. It is highly premature of this Court to scuttle a legitimate criminal probe at his nascent stage of investigation.



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9. In view of the serious nature of the allegations, pointing towards the commission of a cognizable offence, the prayer to quash the FIR cannot be countenanced. However, to balance the interest of justice, this Criminal Original Petition stands dismissed with liberty to the petitioner to submit all relevant facts, explanations and supporting documents to the Investigating Officer. The Investigating Officer is directed to dispassionately, fairly and objectively consider all the issues and documents produced by both sides during the course of investigation before filing the final report. Connected miscellaneous petition is closed.

02-07-2026

Neutral Citation: Yes

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To

1. The Inspector of Police,
Central Crime Branch,
Tiruppur City.
2. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY J.

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