



CRL.OP.No.17529 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.17529 of 2026
and Crl.M.P.No.11693 of 2026

Manikandan

..Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
Central Crime Branch,
Salem City, Salem District.
Crime No.8 of 2020.

2. Abdul Kudoos Asfar,

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the impugned F.I.R registered in proceedings pending in Crime No.8 of 2020, on the file of the 1st respondent police and quash the same.

For Petitioner :

Mr.W.Camyles Gandhi

For Respondents:

Mr.M.Mohamed Riyaz, (for R1)
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed to quash the F.I.R. in Crime No.8 of 2020 on the file of the first respondent/Police, registered for the alleged offence under Sections 420 and 506(1) of the Indian Penal Code.

2. The crux of the allegations in the F.I.R. is that one Ravi Kumar (arrayed as Accused No.1) collected money from the second respondent/de facto complainant and several others, under the false pretext of investing the same in gold and promising higher returns. Subsequently, neither the principal amount was returned nor were any profits paid.

3. The petitioner herein has been arrayed as Accused No. 5. The specific allegation targeting the petitioner is that when the de facto complainant approached A1 to demand a refund, the other four accused persons, including the wife of A1 and the petitioner (who is the brother-in-law of A1), were present, colluded together and threatened the de-facto complainant that the money would not be returned and that they would cause him physical harm.



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4. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated as A5 based on the mere *ipse dixit* of the de facto complainant. He further submitted that the petitioner's sister was married to A1, who has since absconded. The petitioner runs a legitimate jewellery business in Coimbatore and has absolutely no nexus with the alleged offences. He further adds that the petitioner's sister committed suicide owing to the misdeeds of A1 and the petitioner is currently the sole caretaker of her children. The learned counsel contended that the petitioner has been facing acute hardship due to this pending case for the past six years, and that no incriminating material has been unearthed against him during the course of the investigation so far.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent/Police submitted that the investigation is kept pending primarily because the principal accused (A1) has been elusive and could not be traced till date. He further submitted that once A1 is apprehended, the financial transactions and the flow of money between him and the other



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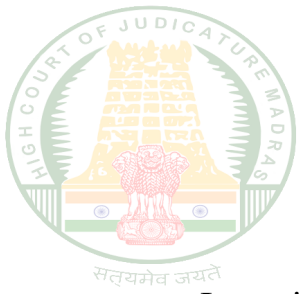
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accused can be successfully unearthed. The learned Government Advocate reassured the Court that efforts are being made by the Police to track down the absconding accused.

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

7. It is the bounden duty of the respondent police to trace out the principal accused (A1) and complete the investigation within a reasonable time frame. A criminal case cannot be kept hanging eternally over the head of the petitioner (A5) merely because A1 remains elusive. The first respondent/Police must independently ascertain whether any tangible material exists linking the petitioner to the offence, or if the petitioner and the other co-accused were beneficiaries of the alleged financial fraud.

8. At the same time, this Court cannot, at this stage, blindly accept the petitioner's defence of non-involvement based solely on his pleadings. Since the F.I.R. contains a specific overt act stating that A5 was present and participated in criminally threatening the de facto complainant, the



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Investigating Officer is not expected to adjudicate upon the truth of such an assertion at the threshold stage of registering the case. The defences raised by the petitioner are factual variations that can be effectively considered by the Investigating Officer during the ongoing investigation.

9. In view of the above, this Court is of the opinion that the prayer to quash the F.I.R. cannot be granted at this stage. However, considering the delay of six years, the following directions are issued:

- a. The first respondent/Police is directed to complete the investigation in Crime No.8 of 2020 and file a final report within a period of six (6) months from the date of receipt of a web-copy of this order.
- b. The first respondent shall move a formal request before the higher officials/Superintendent of Police concerned to constitute a Special Team to track down and apprehend the absconding principal accused (A1).
- c. In any event, the final report must be filed within the outer limit of six months, irrespective of the arrest of A1, by evaluating the



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available evidence against the remaining accused.

10. With the above directions, this Criminal Original Petition stands disposed of. Connected miscellaneous petition is closed.

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To

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



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D.BHARATHA CHAKRAVARTHY, J.

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