



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21365 of 2026

and

CRL.MP.No.14244 of 2026

1. P.K.S.Prashanth
2. P.J.K.Sairam,
3. J.N.Ramji @ J.N.Jahath Ramjee
4. Sailakshmi

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Represented by
EDF-I, Beta, II, CCB-I,
Greater Chennai Police,
Vepery,
Chennai.
2. Suresh Mangattu Variyam,
Authorized Officer,
M/s. Phoenix ARC Private Ltd,
3rd Floor, Wallace Towers,
139/140/B/1, Crossing of Sahar Road and
Western Express Highway,
Vile Parle East, Mumbai,
Maharashtra-400 057.

..Respondent(s)



Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records pertaining to the First Information Report in Crime No.31/2026 for the offences punishable under Sections 120B, 420, 418, 424, 467, 468 and 471 of the IPC pending on the file of the 1st Respondent Police and Quash the said First Information Report in Crime No.31/2026 in its entirety insofar as it relates to the petitioners herein (Accused No.1,2,4, and 5).

For Petitioner(s):	No Appearance
For Respondent(s):	Mr.R.Rajasekaran, Government Advocate (Crl. Side) For R1 Mr.E.Om Prakash, Senior Counsel, for M/s.Abitha Banu, for R2

ORDER

The prayer in the Criminal Original Petition is to quash the First Information Report in Crime No.31 of 2026.

2. When the matter came up for hearing, the learned Government Advocate (Crl. Side) and the learned Senior Counsel appearing for the second respondent would bring to the notice of this Court that this Court considered all the issues, including one which is raised in the present petition, in Crl.O.P.No.20141 of 2026 and disposed of the petition by quashing the FIR.

3. The entire order that is passed by the this Court is extracted hereunder for ready reference:

“The prayer in the criminal original petition is to quash the FIR in Crime No. 31 of 2026 in as much as the petitioner is concerned.



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2. Upon hearing the learned counsel for the petitioner, the learned Government Advocate criminal side, the learned counsel appearing on behalf the de facto complainant and perused the First Information Report and other material records, the gist of allegations in the instant case is that the complaint was lodged by Phoenix Asset Reconstruction company who's assigned the debt from Andhra bank. It is their allegation that the property in question is in T-Nagar. It was duly mortgaged to the bank and the balance remains unpaid and the asset has become a non performing asset. When the mortgage is subsisting, a document is registered as if the property belongs to M/S. Samparna Charitable Trust(in short 'Trust') and thereafter when Chennai Metro Rail Limited has acquired the part of the property the Trust filed original petition on the strength of the said document and have taken away the proceeds to the tune of around Rs.13,50,00,000/-. Therefore the case is registered for the alleged offences under section 420, 418, 424, 467, 468, 120B and 471 of the Indian Penal Code.

3. The Learned counsel for the petitioner would submit that the petitioner is arrayed as accused No. 11 who is a practising advocate and she is primarily practising before the Honourable Supreme Court of India The petitioner advises the 'Trust' and the persons relating to them and except for rendering professional service the petitioner has got nothing to do with the trust or the transaction. The petitioner has been arrayed as an accused without even any allegation against her. Even taking the averments made in the first information report on face value, no offence as against the petitioner will be made out and as such this court should



interfere and quash the first information report. The proceedings are long pending from the year 2024 and even in the suit no allegation has been made as against this petitioner who's only the practising member of the bar. The tendency to include the advocates appearing on behalf of the accused and the other parties to the transaction is growing and that should be nipped at the bud. The petitioner being an advocate will be unnecessarily harassed on account on the pendency of the FIR and this court should interfere in the matter.

4. Per Contra, the learned Government Advocate Criminal side would submit that the allegation as far as the petitioner is concerned the petitioner assisted in preparing the said bogus document and when the amount of Rs.13,50,00,000/- was disbursed ultimately Rs.1,00,00,000 has reached to the bank account of this petitioner therefore the said allegations are being probed.

5. The learned counsel appearing on behalf of the defacto complaint/second respondent would submit that the fraudulent document in Bengaluru is registered in the name of Hussain O.S who is none other than the brother of the petitioner's husband. Secondly the allegation in the complaint is that all of them conspired together to cause wrongful loss to the defacto complaint. Thirdly, a huge sum of Rs.1,00,00,000/- cannot be deemed to be a legal fee and it must be seen that pursuant to the conspiracy they are all sharing the proceeds of the crime.

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



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7. *The allegations that the other accused namely Hussain O.S in whose name agreement of sale-cum-settlement deed is said to have been registered as document No. 5629 of 2021, who is said to be the brother-in-law of the petitioner. Secondly, even though the proceeds of the crime did not come directly from CMRL to the petitioner, through other accounts ultimately a part of the sum has reached the bank account of the petitioner. The claim of the prosecution is that the petitioner is a beneficiary of the proceeds of crime The claim of the learned counsel appearing on behalf of the petitioner that it is a legal fee of the petitioner. Therefore, the question whether there was a conspiracy and it was proceeds of the crime being shared or whether it is a legal fee is factual in nature. At this stage, I cannot agree with the learned counsel for the petitioner and incontrovertibly hold that it is only legal fee especially considering the amount being Rs.1,00,00,000/-.The matter has to be considered only during the course of the investigation. Therefore keeping open the liberty of the petitioner if she chooses to share any information to the investigating officer and directing the investigating officer to dispassionately consider all the claims that are made in this petition also during the course of the investigation and keeping open the liberty of the petitioner to raise the grounds at the appropriate stage, at this nascent stage of investigation the investigation itself cannot be stifled on the factual allegations that are submitted by the petitioner and the prayer cannot be countenanced. Accordingly the criminal original petition stands disposed of. Pending miscellaneous petition, if any, is closed.”*



4. In view of the same, the grounds raised by this petitioner, who is accused No.1, are also on the same footing and the petition cannot be entertained and as such, is dismissed. Consequently, connected miscellaneous petition is closed.

06-08-2026

Neutral Citation: No
PVS

To

1. The State of Tamil Nadu
EDF-I, Beta, II, CCB-I,
Greater Chennai Police,
Vepery,
Chennai.
2. The Public Prosecutor,
High Court, Madras



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D.BHARATHA CHAKRAVARTHY, J.

PVS

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