



CRL.OP.No.17504 of 2026

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.17504 of 2026
and Crl.M.P.No.11677 of 2026

A.Mohammed Asif

..Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
CCB-II Police Station,
Chennai - CCB,
Chennai District.
Crime No.88 of 2024.

2. V.V. Varatharajan

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records and quash the FIR in Crime No.88 of 2024 on the file of the 1st respondent Police.

For Petitioner :

Mr.S.Bramanandasivam

For Respondents :

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

Mr.Mohamed Muzhammil (for R2)

Page1 of 6



CRL.OP.No.17504 of 2026

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.88 of 2024 on the file of the first respondent/Police, registered for the alleged offences under Sections 406, 420, 120B & 34 of the Indian Penal Code.

2. The learned counsel for the petitioner/Accused No.1 submitted that the dispute between the parties is purely civil in nature. He contended that the role of the petitioner was limited to constructing the property and handing over the flats to the respective purchasers; that the petitioner has accordingly raised the structures without making any false representation and no specific allegations are made out against him. He further submitted that the parallel civil proceedings are pending and the connected arbitration proceedings have already been disposed of. The learned counsel submitted that no criminal offence is made out against the petitioner and therefore, prays for the quashing of the FIR.

3. The learned Government Advocate (Criminal Side) appearing for the first respondent/Police submitted that the petitioner, after promising to



CRL.OP.No.17504 of 2026

WEB COPY

construct and hand over the residential apartments, failed to fulfil his obligations. Consequently, a complaint was lodged and the matter is currently under investigation. He requested this Court to grant reasonable time to complete the investigation and file a final report.

4. The learned counsel appearing on behalf of the second respondent/ de facto complainant opposes the petition. He submitted that the petitioner/Accused No.1 misrepresented himself as the sole proprietor of the construction company, inducing the de facto complainant and other prospective purchasers to enter into transaction solely with him. He further submitted that while a construction agreement was registered, Accused No.2 subsequently confiscated all the original sale deeds on the ground that his dues from the petitioner/Accused No.1 remained unpaid and it was only then that the complainants realized the venture was run on a partnership basis. The learned counsel submitted that the suppression of this partnership, while inducing the complainants to part with huge sums of money, clearly makes out a *prima facie* criminal offence.



CRL.OP.No.17504 of 2026

WEB COPY

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

6. If the entire construction project was executed on a partnership basis and the petitioner suppressed the involvement of Accused No.2, by holding himself out as a sole proprietor, *prima facie* offences as alleged by the de facto complainant are disclosed. Under such circumstances, no fault can be found out with the registration of the FIR and the continuation of the investigation.

7. The contentions raised by the learned counsel for the petitioner are factual in nature. This Court, cannot treat these assertions as incontrovertible facts to quash the FIR straight away. It is open to the petitioner to place these factual materials before the Investigating Officer, whose duty it is to consider them during the course of the investigation. The matter squarely requires a thorough investigation and if necessary, a trial.



CRL.OP.No.17504 of 2026

WEB COPY

8. In view of the above, the prayer to quash the FIR cannot be countenanced. However, taking into consideration the hardships pleaded by both sides, the following directions are issued:

- a. The first respondent/Police is directed to complete the investigation in Crime No.88 of 2024 and file a final report before the jurisdictional Court within a period of two (2) months from the date of receipt of a web-copy of this order.
- b. Liberty is granted to the petitioner to either bring the relevant facts to the attention of the Investigating Officer during the investigation or to contest the matter appropriately during the trial.

9. Accordingly, this Criminal Original Petition stands disposed of with the above directions. Connected miscellaneous petition is closed.

08-07-2026

Neutral Citation: No

Sni



WEB COPY



CRL.OP.No.17504 of 2026

D.BHARATHA CHAKRAVARTHY, J.

Sni

To

1. The Inspector of Police,
CCB-II Police Station,
Chennai - CCB,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

CRL.OP.No.17504 of 2026

08-07-2026

Page6 of 6