



CRL.OP.No.18275 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.18275 of 2026

and

CRL.MP.No.12162 of 2026

1. Manikandan

2. Sridhar

..Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
Mettur Police Station, Mettur,
Salem District.

2. Elavarasan

..Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the charge sheet in C.C.No.214 of 2025 on the file of learned Judicial Magistrate No.1, Mettur and quash the same.

For Petitioners:

Mr.T.Ganesan

For Respondents:

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



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ORDER

This criminal original petition has been filed seeking to quash the charge sheet in C.C.No.214 of 2025 on the file of the learned Judicial Magistrate No.I, Mettur, registered against the petitioners for the alleged offence under Section 306 of BNS.

2. The prayer sought in this petition is innocuous in nature, and as such, this petition is being disposed of at the admission stage itself, without ordering notice to the respondent.

3. A perusal of the First Information Report (FIR), the materials collected during the course of the investigation and the final report reveals that the petitioners, while being employed under the second respondent/de facto complainant, executed repairs and provided spare parts to a customer. Though they officially declared the transaction as a 'zero bill', they allegedly collected a sum of Rs.6667/- from the customer into their personal accounts and repaid the said amount to the de facto complainant only on the following day.



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4. It is the contention of the learned counsel for the petitioners that this was a routine procedure adopted under the instructions of the company management. He further submitted that the petitioners had no intention to misappropriate the amount and that there were ongoing disputes between the parties regarding the non-payment of wages.

5. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the first respondent Police submitted that according to the statement of the second respondent/de facto complainant (L.W.1), the repayment was made only after the de facto complainant unearthed the alleged fraud.

6. Merely because the complaint was preferred after the date of repayment, it cannot be concluded at this stage that the offence stands erased. Whether the transaction was part of a routine procedure or whether the petitioners returned the money only upon confrontation is a triable issue of fact. Such disputed questions of fact cannot be adjudicated by this Court in the quash application.



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7. Therefore, while leaving it open to the petitioners to raise all available grounds before the Trial Court, this criminal original petition stands disposed of. However, taking into consideration the fact that the petitioners repaid the money on the very next day and factoring in the age of the petitioners, the personal appearance of the petitioners before the Trial Court is dispensed with, except for those crucial hearings where their presence is indispensable. Connected miscellaneous petition is closed.

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Neutral Citation: No

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To

1.The Judicial Magistrate No.I,
Mettur.

2.The Inspector of Police,
Mettur Police Station, Mettur,
Salem District.

3.The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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