



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18214 of 2026
and CRL MP Nos.12142 and 12143 of 2026

1. P.R.Vairamani
S/o.Periyakaruppan

2. Umamaheswari
W/o.P.R.Vairamani

..Petitioner(s)

Vs

1. The State Rep.by the Inspector of Police
R9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai - 600 087.
Crime no.86 of 2016.

2. P.R.Janaki Raman

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 Cr.P.C. praying to call for the records relating to the Charge sheet in C.C.No.152 of 2026 on the file of the Judicial Magistrate No.1, Poonamalli and Quash the same.

For Petitioner(s): Mr.S.Kumara Devan

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl. Side) - R1

ORDER

The Criminal Original Petition is filed to quash the final report in C.C.No.152 of 2026, on the file of the Judicial Magistrate No.I, Poonamalli.

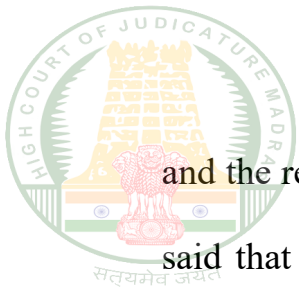


2. On a perusal of the First Information Report, the material collected during the investigation and the final report, the gist of allegations against the petitioners is that during the course of business, the petitioners 1 and 2, who are in a relationship as the husband and wife, had taken away the jewels of 136 sovereigns belonging to the defacto complainant and misappropriated the same, and decamped with the same.

3. The learned counsel for the petitioners would submit that for the occurrence that had happened during the year 2016, charge sheet is filed ten years later for the offence under Section 406 I.P.C. and the same would be barred under limitation. As far as the offence under Section 420 I.P.C. is concerned, the learned counsel would submit that the same would not be made out as the jewels are family jewels and there cannot be any cheating.

4. I have considered the submissions made by the learned counsel for the petitioner.

5. The crux of allegation is that when the defacto complainant was not coming to the office regularly, taking advantage of the proximity with the dishonest intention, they have taken away the jewels and misappropriated the same and thus also cheated the defacto complainant. The defacto complainant has made a statement and the jewels that are recovered from Muthoot Finance



and the recovery mahazar are all part of the final report. Therefore, it cannot be said that there are no materials at all. What is pleaded is that the jewels are family Jewels and they do not belong to the defacto complainant. The same is a factual plea which has to be taken during the course of the trial and it cannot be taken as a incontrovertible fact for quashing the final report itself. Even in the plea relating to limitation will only be a mixed plea of facts and law.

6. Therefore, keeping open the liberty of the petitioner to take all the pleas during the course of the trial, the prayer made in the criminal original petition cannot be countenanced and as such stands disposed of. Considering the plea of hardship made, the presence of the petitioners before the trial court shall stand dispensed with except for the necessary hearings that the trial Court insists upon. Consequently, connected miscellaneous petitions are closed.

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

kas



D.BHARATHA CHAKRAVARTHY, J.

kas

WEB COPY

To

1. The Inspector of Police
R9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai - 600 087.
2. The Public Prosecutor
High Court of Madras
Chennai 600 104

CRL OP No. 18214 of 2026
and CRL MP Nos.12142 and 12143 of 2026

10-07-2026