



CRL.OP.No. 18319 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.18319 of 2026

and

CRL.MP.No.12292 of 2026

R.Shankar

..Petitioner

Vs.

1. State rep. by
The Inspector of Police,
Beta-II, EDF-I, Central Crime Branch,
Vepery, Chennai - 600 007.
(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 entire records connected with the case in FIR No.88 of 2024 dated 03.07.2024 on the file of the Inspector of Police, Beta-II, EDF-I, Central Crime Branch, Vepery, Chennai - 600 007 and quash the same.

For Petitioner:

Mr.A.Rameshmanikandan



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For Respondents:

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

Mr.M.Mohamex Muzhammil (for R2)

ORDER

The prayer in this criminal original petition is to call for the records to quash the FIR in Crime No.88 of 2024, registered for the alleged offences under Sections 406, 420, 120B and 34 of the Indian Penal Code, 1860.

2. The learned counsel appearing for the petitioner/Accused No.2 (A2) submitted that the underlying dispute between the parties is purely civil in nature. He further submitted that it is the petitioner (A2) who was, in fact, cheated by the accused (A1) and the second respondent/de facto complainant. The learned counsel further submitted that the subject matter was previously referred to arbitration, and the criminal complaint has been belatedly registered and kept pending for the past two years without any substantial progress.



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3. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the first respondent/police submitted that it is alleged that A1 initially represented himself to the de facto complainant as the builder, inducing the de facto complainant to part with substantial funds. Subsequently, the petitioner (A2) surfaced, claiming to be a partner in the venture. He further submitted that since the project failed to progress and the transaction collapsed, the complaint was registered and is being investigated.

4. The learned counsel appearing on behalf of the second respondent/de facto complainant submitted that the co-accused (A1) had earlier filed a similar quash petition in Crl.OP.No.17504 of 2026 and the said petition was dismissed by this Court vide order dated 08.07.2026, with direction to the respondent police to complete the investigation.

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



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6. The accusation categorically states that A1 initially promised to construct and deliver the flats as the builder-in-charge, following which A2 claimed concurrent rights, resulting in a complete standstill where no further progress was made. These allegations *prima facie* reveal sufficient materials to register the case and proceed with the investigation.

7. Regarding the petitioner's specific contention that A1 and the de facto complainant joined together to cheat him, such a contention constitutes a separate grievance. It is well open to the petitioner to lodge a counter-complaint to that effect, which the respondent police shall handle in accordance with the law.

8. Consequently, the prayer to quash the FIR at this stage, cannot be countenanced. However, liberty is granted to the petitioner to agitate his rights and challenge any subsequent final report, if it is filed without proper evidence against him.



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9. Needless to mention, the respondent police has already been directed by this Court in the connected matter in Crl.OP.No.17504 of 2026 to conclude the entire investigation within a period of two (2) months.

10. With the above observations and liberty, this criminal original petition stands disposed of. Connected miscellaneous petition is closed.

14-07-2026

Neutral Citation: No

Sni

To

1.The Inspector of Police,
Beta-II, EDF-I, Central Crime Branch,
Vepery, Chennai-600 007.

2.The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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