



CRL.OP.No.19453 of 2026

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.19453 of 2026
and CRL.MP.Nos.12892 & 12893 of 2026

Thangamani

..Petitioner

Vs.

1. The State Rep by its,
The Inspector of Police,
DCB, Salem District.

2. P.Ganesan

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records in connection with Final Report in CC.No.1048 of 2025 on the file of the Judicial Magistrate-VI Court, Salem and quash the same.

For Petitioner(s):

Mr.P.Anbazhagan

For Respondent(s):

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



CRL.OP.No.19453 of 2026

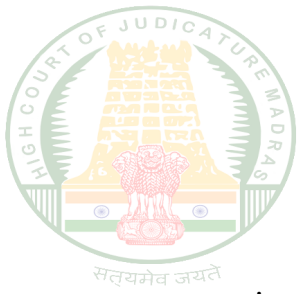
WEB COPY

ORDER

The prayer made in this criminal original petition is to quash the final report in C.C.No.1048 of 2025, pending on the file of the Judicial Magistrate-VI Court, Salem.

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 second respondent/de facto complainant.

3. A perusal of the First Information Report (FIR), the final report and the materials collected during the course of the investigation reveals that the crux of the allegations is that the petitioner, arrayed as Accused No.3, introduced the other accused persons to the de facto complainant. All the accused persons allegedly promised to secure an MBBS seat for the de facto complainant's son. They allegedly took the de facto complainant inside the Medical College campus and received the cash consideration in the car parking area. However, neither was the MBBS seat secured nor was the money returned. It is further averred that a cheque issued towards the return of the amount was also dishonoured upon presentation. Following



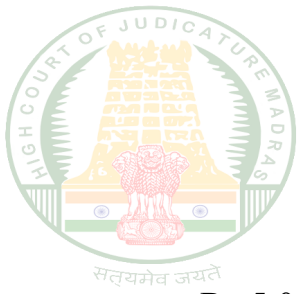
CRL.OP.No.19453 of 2026

an investigation, the final report was filed against the accused for the alleged offences under Sections 109, 120(b) and 420 of the Indian Penal Code (IPC).

4. The learned counsel for the petitioner submitted that even a bare reading of the case materials indicates that the money was handed over only to the first accused. The petitioner, being an acquaintance, merely accompanied them. He further submitted that the petitioner is a practising member of the Bar and has been unnecessarily dragged into this dispute. The learned counsel further pointed out that while the alleged incident took place in the year 2016, the case was registered only in the year 2022 and the final report was subsequently filed in the year 2025. Therefore, the prosecution is delayed and hit by the law of limitation.

5. This Court has considered the rival submissions made on either side and perused the materials available on record.

6. Regarding the allegations against the petitioner, the statements of the de facto complainant as well as independent witnesses indicate specific overt acts. It is alleged that the petitioner initially received a sum of

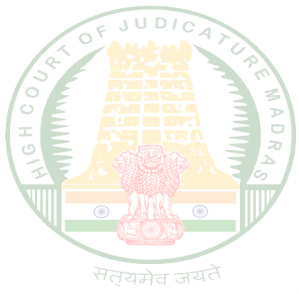


CRL.OP.No.19453 of 2026

Rs.5,00,000/- which was transported to Pondicherry and handed over to the other accused. Furthermore, it is averred that this petitioner introduced the main accused (A1) to the de facto complainant. Therefore, it cannot be said that there is an absolute absence of material to proceed against the petitioner.

7. The specific role played by the petitioner and whether he was a beneficiary of the financial transaction, cannot be prematurely decided at this stage. When a criminal conspiracy is alleged and a charge sheet is filed against multiple persons, analyzing the exact role of each accused at this juncture would be premature like conducting a post-mortem on a living person. Such an exercise can only be undertaken by the Trial Court after a wholesome evaluation of the entire evidence adduced during the trial. The pleas raised by the learned counsel for the petitioner can only be tested against the full gamut of evidence recorded during trial.

8. As far as the plea of limitation is concerned, considering the facts and circumstances of the case, it remains a mixed question of fact and law that cannot be conclusively determined at this preliminary stage.



CRL.OP.No.19453 of 2026

WEB COPY

9. In view of the above, keeping open the liberty of the petitioner to raise all his grounds during the course of the trial, this criminal original petition stands disposed of. Furthermore, taking into account the plea of hardship raised by the learned counsel for the petitioner, the personal appearance of the petitioner before the Judicial Magistrate-VI, Salem, is dispensed with, except for those crucial hearings where his presence is insisted upon by the Trial Court. Accordingly, CrI.MP.No.12893 of 2026 is ordered and CRL.MP.No.12892 of 2026 is closed.

22-07-2026

Neutral Citation: No

Sni

To

1.The Judicial Magistrate-VI,
Salem.

2.The Inspector of Police,
DCB, Salem District.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



CRL.OP.No.19453 of 2026

D.BHARATHA CHAKRAVARTHY,J.

Sni

CRL.OP.No.19453 of 2026

22-07-2026

Page6 of 6