



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21364 of 2026

and

CRL MP Nos.14242 & 14243 of 2026

1. Murugan
S/o.Sundaramoorthy,
D.No.4/120, Main Road,
Pakkam X Road,
Mittamandagapattu,
Villupuram Taluk,
Villupram District.

2. Mageshwari
W/o.Murugan,
D.No.4/120, Main Road,
Pakkam X Road,
Mittamandagapattu,
Villupuram Taluk,
Villupram District.

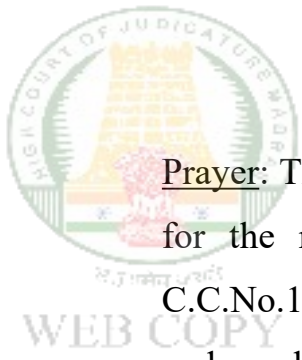
..Petitioner(s)/A2 & A3

Vs

1. The Deputy Superintendent of Police
District Crime Branch,
Villupuram District.
(Crime No.9 of 2022)

2. Manjula
W/o.Gengamuthu,
Mariamman Koil Street,
Kondoor Village,
Villupuram Taluk,
Villupuram District.

..Respondent(s)



Prayer: This Criminal Original Petition filed under Section 528 of BNSS, to call for the records in connection with the case in (F/R.No.36 of 2022) in C.C.No.1171 of 2025 on the file of the Judicial Magistrate No.II at Villupuram and quash the same as illegal and improper.

For Petitioner(s): Mr.S.Kingston Jerold

For Respondent(s): Mr.M.Mohamed Riyaz,
Govt. Advocate (Crl. Side) for R1

ORDER

The prayer in this Criminal Original Petition is to quash the proceedings in C.C.No.1171 of 2025 on the file of the Court of Judicial Magistrate – II, Villupuram.

2. Upon perusing the final report, it can be seen that the allegation is that the petitioners and the other accused in the case conducted chit in the name of Diwali Fund and collected money from the victims and thereafter, they did not refund the money.

3. According to the learned Government Advocate (Criminal Side) appearing for the 1st respondent, there are totally 287 victims and the total sum cheated comes around Rs.41,06,500/-.



4. The contention on behalf of the learned counsel for the petitioners is that A2 and A3 are only the family members. Admittedly, they were not conducting the chit. The only material collected by the prosecution during the course of inquiry is a line of averment in a stereotypical manner by all the victims as if these petitioners also received the money. Except for the same, there is no material against these petitioners to proceed further.

5. I have considered the submissions made on either side and also perused the material records of the case.

6. Upon reading of the statement, the victims are alleging that the accused Nos. 2 and 3 being the members of the family, also accepted the money in the house. It is the contention of the Accused Nos. 2 and 3 that they were not at all living in Villupuram and they were living separately in Puducherry. These are factual issues to be contested by the Accused Nos. 2 and 3 during the course of the trial and cannot be taken as incontrovertibly correct to quash the case itself.

7. Therefore, keeping open the liberty of the petitioners to raise all the grounds during the course of the trial, the prayer to quash the case itself cannot be countenanced and as such, the Criminal Original Petition is disposed of at this stage. Consequently, connected Criminal Miscellaneous Petitions are closed.



8. At this stage, it is prayed by the learned counsel for the petitioners that the petitioners are facing grave hardship in attending the trial Court.

9. Considering the hardship pleaded, the presence of the petitioners before the trial Court shall stand dispensed with, except for the hearings that may be insisted upon by the trial Court, on condition that the petitioners will be represented by the counsel and that they will cooperate for the disposal of the case.

06-08-2026

Neutral Citation: Yes/No

smv

To

1. Judicial Magistrate – II, Villupuram.
2. The Deputy Superintendent of Police
District Crime Branch,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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