

Crl.O.P.No.28605 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.28605 of 2025
and Crl.M.P.No.19338 of 2025

1. R.Krishnamurthy
2. R.Selvi

.. Petitioners

Versus

1. The State rep. by
The Inspector of Police,
Central Crime Branch (CCB) Police Station,
Tirupur District.
[C.C.No.1355 of 2025]

2. Senthil Kumar

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of the proceedings and charge sheet in C.C.No.1355 of 2025 on the file of the learned Judicial Magistrate No.I, Tiruppur and quash the same.

For Petitioners : Mr.Akhil R. Bhansali

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side),
for R1



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: Mr.S.Suresh,
for Mr.S.Selvam, for R2

ORDER

The prayer in this Criminal Original Petition is to call for the records relating to the chargesheet in C.C.No.1355 of 2025 pending before the file of the learned Judicial Magistrate No.I, Tiruppur and quash the same.

2. The allegations in the instant case is with reference to the investment made by the de facto complainant, which is said to have been partly returned and with reference to the balance amount, it was agreed to execute a sale deed in respect of two plots, which are said to be not given.

3. Learned Counsel for the petitioners submits that the allegations in the complaint as well as the statement of the de facto complainant, are false. In any event, even assuming that the allegations made by the de facto complainant are true, it is nothing but a civil case which is dressed up as criminal in nature and a shortcut is attempted to be made by coercing the petitioners into paying the amount, which otherwise, the de facto complainant is not entitled to. The learned Counsel would rely



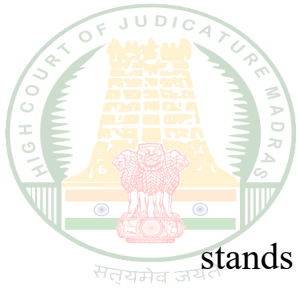
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upon several judgments in that regard. He would also submit that the ingredients of Section 420 and 409 of I.P.C cannot go hand in hand and the case of the prosecution is inherently faulty.

4. However, when the matter is taken up for hearing, it is represented by the learned Government Advocate (Criminal Side) for the first respondent and the learned Counsel for the second respondent/de facto complainant that the trial has been proceeded with and as many as nine prosecution witnesses have been examined, cross-examined, the prosecution side evidence was closed and the matter is now posted for defence witnesses.

5. In view thereof, when the witnesses have been cross-examined by the petitioners in detail, all the grounds raised in this quash application, shall be raised before the Trial Court and at this juncture, the exercise of going into the merits of the submissions made by the learned Counsel for the petitioners need not be made by this Court.

6. Therefore, keeping open the liberty to the petitioners to take all the defences before the Trial Court, this Criminal Original Petition



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stands disposed of. Consequently, connected miscellaneous petition is closed.

20.07.2026

Neutral Citation : no
grs

To

1. The Judicial Magistrate No.I,
Tiruppur.
2. The Inspector of Police,
Central Crime Branch (CCB) Police Station,
Tirupur District.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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