

Crl.O.P.(MD)No.5567 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2026

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.5567 of 2019

Roy.Mathew

.. Petitioner

Vs.

1. The Inspector of Police
District Crime Branch
Thoothukudi District

2.Kunasekaran

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in C.C No.1498 of 2017 on the file of the Judicial Magistrate Court No.III,Thoothukudi and quash the same against this petitioner alone.

For Petitioner : Mr.R.Raja Rathinam, Senior Counsel
for Mr.T.Balaji

For R-1 : Mr.P.Vetrivel
Government Advocate

For R-2 : Mr.Kathivel Senior Counsel
For Mr. K. Prabhu



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C No.1498 of 2017 on the file of the Judicial Magistrate Court No.III, Thoothukudi.

2. The second respondent lodged a complaint before the first respondent alleging that he is doing export business and for his business purpose he used to avail loans by pledging the jewels. Whiles, on 27.07.2009 through his employee one Ramesh pledged 890gms gold ornaments with the Muthoot Mini Finance and 261 grams of gold jewels through separate accounts. Thereafter on 29.07.2009 again he pledged 201.5 gms, 113gms, 132.6gms and 152.3gms through separate accounts and thereafter again on 04.08.2009 once again pledged 143gms gold jewels and thereafter on 06.08.2009 through Ramesh pledged gold jewels. At that time One Zesoor who was working as Manager while so on 14.07.2010 he along with the said Ramesh went to redeem the jewels at that time the said Manager was not there and in his capacity a new manager was appointed. While so the petitioner and the said Ramesh expressed their willingness to redeem the jewels and the new Manager stated that they cannot redeem the jewels since the erstwhile Manager



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along with one Shanmugasundaram committed fraud and thereby without the order of the higher authorities he cannot return back the jewels.

Thereafter they came to know about the fraud committed by the staff of the Muthoot Mini Finance. The said Saravanan has committed fraud and thereby he will set right their issues and thereafter they will return back the jewels. In spite of repeated requests and demands made by the petitioner the respondents failed to return back the jewels. Therefore lodged complaint to take action against the concerned officials,. Based on the above said complaint a case has been registered in Crime No. 26 of 2011 for the offences under Sections 406,468,471 and 420 of IPC and thereafter the first respondent conducted investigation and filed final report against the petitioner and others. The petitioner is the owner of the said Muthoot Mini Finance and thereby charge sheet has been filed as against the petitioner and others. Aggrieved by the said cognizance taken as against the petitioner the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the said Muthoot Mini Finance and he has no knowledge about the transaction of the second respondent. The first respondent wrongly to impleaded the petitioner as one of the accused in



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this case. Infact the trial Court ought not have taken cognizance since it does not disclose prima facie case against the petitioner. The second respondent ought to have approached the competent civil Court for recovery of money and there is no any criminal intention on the part of the petitioner and there are no prima facie materials available as against the petitioner. Even according to the charge sheet all the materials submitted by the prosecution there are no any prima facie materials as against the petitioner and without conducting proper investigation the first respondent has filed charge sheet and there are only vague allegations and there are no specific allegations as against this petitioner. This Court already dismissed the petition filed by the petitioner and the same was challenged before the Hon'ble Supreme Court in SLP Criminal Appeal No.3345 of 2023 and the Hon'ble Supreme Court has set aside the order of this court and remanded back the matter for fresh consideration. Merely because the petitioner is the owner of the said Muthoot Mini Finance without any prima facie materials he has been falsely roped in this case and thereby the pending proceedings as against the petitioner are liable to be quashed by allowing this petition.



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4. The learned counsel appearing for the second respondent would submit that the defacto complainant pledged jewels before the Muthoot Mini Finance. The petitioner is the owner of the said Muthoot Mini Finance, Thoothukkudi. The staff of the petitioner have committed serious offences and manipulated the documents and they cheated the petitioner by refusing to return back the pledged jewels. Huge amount involved in this case and based on the instructions of the petitioner, the staff of the petitioner have refused to return back the jewels and therefore he lodged complaint. The 1st respondent conducted proper investigation and thereby they filed final report . As per the charge sheet there are prima facie materials available as against the petitioner and thereby the trial Court has taken cognizance and the case is pending for trial and therefore the petitioner has to face the trial, and the petition is liable to be dismissed.

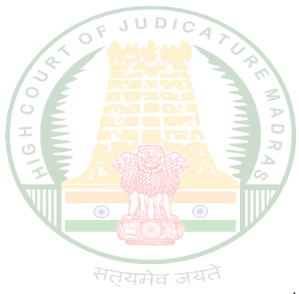
5. Heard both sides and perused the materials available on record.



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6. In this case based on the complaint lodged by the defacto complainant/second respondent a case has been registered as against the petitioner and others in Crime No. 26 of 2011 for the offences under Sections 406, 468, 471 and 420 of IPC. According to the petitioner he is the owner of the said finance in which jewels were allegedly pledged and only the staff of the petitioner involved in some criminal activities thereby they lodged complaint as against the staff and the same is pending trial. The defacto complainant after colluding with the staff of the petitioner manipulated the records as if they pledged jewels. Infact the jewels are not available in the bank, and no jewels were pledged by the complainant. Therefore in order to escape from the liability in the previous complaint this complaint has been lodged.

7. Already this court dismissed the petition filed by the petitioner through order dated 15.04.2019 and the same was challenged below the Hon'ble Supreme Court in Criminal Appeal No. 3345 of 2023 and the same was allowed and the matter had been remanded back to this court for fresh consideration.



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8. This Court perused the records. On perusal of records it is seen that the charges as for the offences under Sections 406,468,471 and 420 of IPC and the main allegations are as against the staff of the muthoot mini finance and this petitioner is only the owner of the finance. There are no evidence to show that he has knowledge about the transaction between the staff of the petition and the defacto complaint, If at all any wrong committed by the particular person they have to be prosecuted. Merely because the petitioner is the owner of the company he cannot be roped in this case without any criminal intention and without participating in the occurrence. There are no prima facie materials available as against the petitioner as per charge sheet and First Information Report. As per First Information Report and Charge sheet the allegation is that this petitioner and the 3rd accused abetted for the offences committed by the 1st accused, thereby charged for the offences under Sections 409, 420 r/w 109 of IPC. In Order to constitute the said offences there are no materials available as per First Information Report and Final report. No where the witnesses stated in their statements that the petitioner abetted to commit the alleged offences under section 409 and 420 of IPC. No material available to establish that this petitioner abetted the A1 and he instructed the staff of Muthoot Mini Finance, Thoothukudi, not to return back the jewels.



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Without any material the petitioner need not face the trial. All the allegation are as against the A1 and now case is pending for trial. Even if the petitioner faces the trial there are no materials as against him even for framing charges. therefore the prosecution as against the petitioner is abuse of process of law and the same is liable to be quashed.

9. Accordingly this Criminal Original Petition is allowed and the proceedings in C.C No.1498 of 2017 pending on the file of the Judicial Magistrate Court No.III,Thoothukudi is quashed as against this petitioner.

04.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1.The Judicial Magistrate Court No.III, Thoothukudi

2. The Inspector of Police
District Crime Branch
Thoothukudi District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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