



Crl.OP(MD)No.7548, 7549, 7559, 7562 and 7564 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.7548, 7549, 7559, 7562 and 7564 of 2025

and

Crl.M.P.(MD)Nos.5589, 5591 to 5595 and 5597 to 5600 of 2025

Stalinbabu

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by. the Inspector of Police,
West Police Station,
Thanjavur.
(Crime No.1343 of 2008)

2. K. Saminathan

.... Respondents

Prayer in Crl.O.P.(MD)No.7548 of 2025: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the proceedings in C.C. No. 62 of 2011 on the file of the Fast Track Court at Magisterial Level, Thanjavur and quash the same.

Prayer in Crl.O.P.(MD)No.7549 of 2025: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire



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records pertaining to the proceedings in C.C. No. 63 of 2011 on the file of the Fast Track Court at Magisterial Level, Thanjavur and quash the same.

Prayer in Crl.O.P.(MD)No.7559 of 2025: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the proceedings in C.C. No. 64 of 2011 on the file of the Fast Track Court at Magisterial Level, Thanjavur and quash the same.

Prayer in Crl.O.P.(MD)No.7562 of 2025: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the proceedings in C.C. No. 65 of 2011 on the file of the Fast Track Court at Magisterial Level, Thanjavur and quash the same.

Prayer in Crl.O.P.(MD)No.7564 of 2025: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the proceedings in C.C. No. 66 of 2011 on the file of the Fast Track Court at Magisterial Level, Thanjavur and quash the same.



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In all Criminal Original Petitions:

For Petitioner : Mr. R.L.Dhilipan Pandian

For R-1 : Mr.M.Sakthikumar
Government Advocate(Crl.Side)

For R-2 : Mr.K.R.Laxman

COMMON ORDER

Prologue:

These Criminal Original Petitions are taken up together, since they arise out of a common factual matrix, involve substantially identical allegations, raise common grounds for quashment and require consideration of the same legal principles governing the exercise of inherent jurisdiction under Section 482 Cr.P.C.

2. The petitioners in the respective cases are arrayed as sole accused in the calendar cases pending on the file of the Fast Track Court at Magisterial Level, Thanjavur, namely C.C.Nos.62 of 2011, 63 of 2011, 64 of 2011, 65 of 2011 and 66 of 2011.



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3. The final reports in all these cases have been filed for the offence under Section 420 IPC on the allegation that the petitioners pledged spurious jewels with the complainant institution and, representing them to be genuine gold jewels, dishonestly induced the institution to part with money, thereby causing wrongful loss to the complainant institution and corresponding wrongful gain to themselves.

Case of the Prosecution:

4. The prosecution case, in substance, is that the petitioner had pledged jewels with the second respondent/*de facto* complainant institution and obtained monetary benefit therefrom. Subsequently, the complainant institution is said to have discovered that the jewels so pledged were not genuine, but spurious. According to the prosecution, the accused persons, by presenting such jewels as genuine ornaments, induced the complainant institution to advance money.

5. On the basis of the complaints lodged by the *de facto* complainant, the first respondent police registered cases,



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investigated the matter and filed final reports for the offence under Section 420 IPC. The learned Trial Court took cognizance of the same and the calendar cases are now pending trial.

Grounds for Quash:

6. The principal grounds urged by the petitioners are as follows:

i. The dispute is essentially civil in nature and has been given a criminal colour.

ii. The petitioners had already approached the competent Civil Court and obtained decrees in their favour.

iii. The criminal proceedings are maliciously instituted as a counterblast to civil proceedings and business disputes.

iv. The essential ingredients of Section 420 IPC, particularly dishonest intention at the inception, are not made out.

v. The proceedings fall within the seventh category enumerated in ***State of Haryana v. Bhajan Lal***¹, being allegedly attended with mala fides and instituted with an ulterior motive.

¹ 1992 Supp(1) SCC 335



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vi. Reliance is placed on ***Vineet Kumar v. State of Uttar Pradesh***² and ***Mahmood Ali v. State of Uttar Pradesh***³ to contend that this Court can look into the surrounding circumstances to find out whether the proceedings are vexatious or malicious.

Arguments on Either Side:

7. The learned counsel appearing for the petitioners submitted that the entire prosecution is a colourable exercise of criminal law. According to him, the transactions between the parties arose out of pledging of jewels and money dealings, and if at all any dispute exists, the same is civil in nature.

8. It was further submitted that the petitioners had already obtained civil decrees and therefore the continuation of criminal prosecution would amount to permitting the complainant to misuse the criminal process to defeat the benefit of such civil decrees.

9. The learned counsel also contended that mere non-payment, dispute regarding quality of pledged articles, or subsequent discovery

² (2017) 13 SCC 369

³ 2023 LiveLaw (SC) 613



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of alleged defect in the jewels would not automatically constitute cheating unless the prosecution establishes dishonest intention at the very inception of the transaction.

10. Per contra, the learned Government Advocate (Criminal Side) submitted that the allegations in the final reports clearly disclose that the petitioners pledged spurious jewels as genuine jewels and obtained money from the complainant institution. Such an act, according to the prosecution, cannot be brushed aside as a mere civil dispute.

11. The learned Government Advocate further submitted that whether the jewels were genuine or spurious, whether the petitioners had knowledge of the same, whether there was dishonest intention at the inception and whether the complainant institution was induced to part with money are all matters requiring appreciation of evidence and cannot be decided in a petition under Section 482 Cr.P.C.

12. The learned counsel appearing for the second respondent/*de facto* complainant adopted the said submissions and



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contended that the petitioners are attempting to short-circuit a criminal trial in matters involving serious allegations of deception and financial loss.

13. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

14. The point that arises for consideration is whether the criminal proceedings pending against the petitioners for the offence under Section 420 IPC are liable to be quashed on the ground that the dispute is civil in nature, maliciously instituted and an abuse of process of Court?

Analysis:

15. Section 420 IPC punishes cheating and dishonestly inducing delivery of property. To constitute the offence, the prosecution must *prima facie* show deception, dishonest or fraudulent inducement and delivery of property pursuant to such inducement.



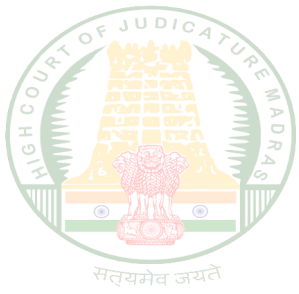
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16. In the present batch, the allegation is not a mere failure to repay money. The allegation is that spurious jewels were pledged as genuine jewels and money was obtained on the strength of such representation. If the said allegation is accepted at its face value, it *prima facie* attracts the ingredients of cheating.

17. The contention that civil proceedings had been instituted or that decrees had been obtained by the petitioners cannot, by itself, extinguish criminal liability. It is well settled that the same transaction may give rise to both civil and criminal consequences. The existence of a civil remedy is not an automatic ground to quash criminal proceedings when the complaint discloses criminality.

18. The plea that there was no dishonest intention at the inception is essentially a matter of evidence. In cases involving pledge of alleged spurious jewels, the question whether the accused knew the jewels to be spurious, whether they represented them to be genuine, whether the complainant relied upon such representation and whether money was advanced on that basis are all factual matters to be tested during trial.



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19. At the stage of quashment, this Court is not expected to conduct a mini trial or weigh the probative value of the materials collected by the investigating agency. The Court has only to see whether the allegations, if taken at face value, disclose the commission of an offence.

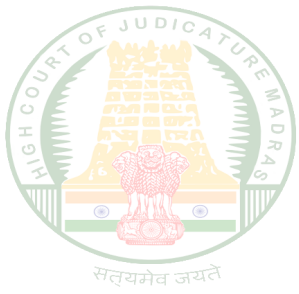
20. The reliance placed on **Bhajan Lal⁴**, **Vineet Kumar⁵** and **Mahmood Ali⁶** does not advance the case of the petitioners at this stage. Those judgments undoubtedly empower the High Court to prevent abuse of process. However, such power is to be exercised sparingly and only in cases where the complaint is manifestly frivolous, absurd, inherently improbable or actuated by mala fides apparent on the face of the record.

21. In the present case, the allegation of pledging spurious jewels and obtaining money cannot be termed inherently improbable. Nor can it be said that the final reports do not disclose any offence. The defence that the prosecution is malicious, or that the dispute

4 Supra 1

5 Supra 2

6 Supra 3



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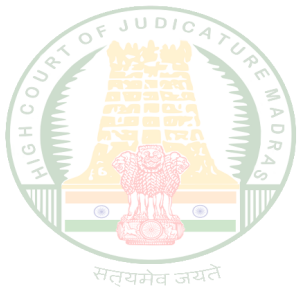
arose due to business rivalry, can be raised before the Trial Court and established by evidence.

22. The fact that the cases are old may be a relevant consideration for issuing a direction for expeditious disposal, but not for quashing the prosecution when the final reports disclose triable allegations. Therefore, this Court is of the considered view that the petitioners have not made out any ground for interference under Section 482 Cr.P.C.

Epilogue:

23. The inherent jurisdiction of this Court is a shield against abuse of process; it is not a substitute for trial. Where the accusation bears the imprint of a cognizable offence and the defence rests upon disputed facts, the criminal Court of trial alone is the proper forum to sift truth from assertion.

24. In the present batch, the allegations travel beyond a mere civil dispute and enter the field of alleged deception. Hence, this Court is not inclined to interdict the prosecution at the threshold.



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25. In the result, all these Criminal Original Petitions stand **dismissed.**

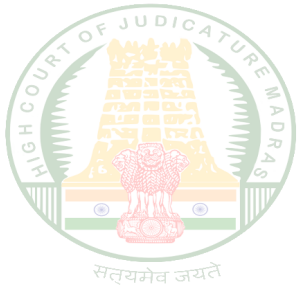
26. The learned Fast Track Court at Magisterial Level, Thanjavur, is directed to dispose of C.C.Nos.62 of 2011, 63 of 2011, 64 of 2011, 65 of 2011 and 66 of 2011, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order, uninfluenced by any observations made herein. Consequently, connected miscellaneous petitions are closed.

01.06.2026

NCC : Yes / No
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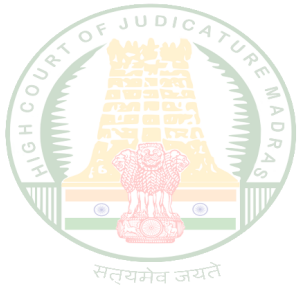
1. The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Thanjavur.
- 2.The Inspector of Police,
West Police Station,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



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Madurai.



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L.VICTORIA GOWRI, J.

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