



Crl.O.P.No.16314 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

**Crl.O.P.No.16314 of 2025 and
Crl.M.P.No.10170 of 2025**

Balan

... Petitioner

Vs.

1. The State represented by
The Inspector of Police
DCB, Tiruppur
(Crime No.2 of 2024)

2. Venkatachalapathy

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records pertaining to the case in C.C.No.192 of 2024 on the file of the Judicial Magistrate No.II, Tiruppur and quash the same.

For Petitioner : Mr.T.Ganesan

For 1st Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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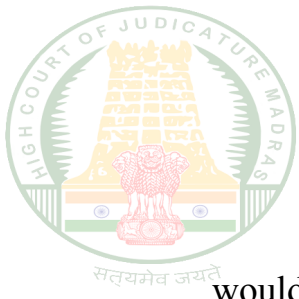
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ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case in C.C.No.192 of 2024 on the file of the Judicial Magistrate No.II, Tiruppur.

2. The case of the prosecution is the petitioner along with other accused purchased Kada Clothes from the defacto complainant on credit basis and thereafter cheated the defacto complainant by not paying the amount. Hence, based on the complaint given by the defacto complainant, the FIR in Crime No.2 of 2024 was registered by the respondent police on 02.01.204 for the offence under Sections 409, 120B and 420 IPC. After completion of investigation, the respondent police filed the charge sheet for the offence under Sections 409, 120B, 420 and 109 of IPC and the same was taken on file in C.C.No.192 of 2024 on the file of the Judicial Magistrate No.II, Tiruppur. Pending trial, the petitioner/A4 has filed the present petition to quash the C.C.

3. The learned counsel for the petitioner submitted that the petitioner only acted as an agent between the defacto complainant and the other accused and therefore, the offence under Section 409 and 420 IPC



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would not attract as against the petitioner. He also submitted that there is no specific overt-act as against the petitioner. Hence, he prayed to quash the C.C. insofar as the petitioner is concerned.

4. The learned Government Advocate (Crl. Side) appearing for the respondents police submitted that only on the instigation of the petitioner/A4, the defacto complainant supplied goods to the other accused. He also submitted that there are specific overt-act and prima facie materials as against the petitioner to proceed the case further and the witnesses have also spoken about the involvement of the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent police and also perused the materials available on record.

6. Since no adverse order is being passed as against the second respondent, notice to the second respondent is dispensed with.

7. A reading of the FIR and the statements recorded by the Investigating Officer shows that there are specific allegations against the petitioner and the offence under Section 120B IPC has been made out as against the petitioner. Since there are prima facie materials to proceed the



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case further as against the petitioner, this Court is not inclined to quash the charge sheet by invoking Section 528 of B.N.S.S.

8. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

9. However, the petitioner is at liberty to work out his remedy before the trial Court during trial.

09.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To
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1. The Judicial Magistrate No.II,
Tiruppur.
2. The Inspector of Police
DCB, Tiruppur
- 3.The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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