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Crl.O.P.No.13792 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.13792 of 2025 &
Crl.M.P.No.9210 of 2025

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1.S.Mohan Kumar
2.Bhavikha Jain M.

.. Petitioners

Vs.

1.State Rep. by Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
(Crime No.172 of 2023)

2.Ranganathan T.

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crime No.172 of 2023, on the file of the Inspector of Police, Central Crime Branch, Chennai District and quash the same.

For petitioners : Mr.S.Suresh

For respondents: Dr.C.E.Pratap
Government Advocate (Criminal Side) for R1

Mr.P.V.Balasubramanian, Senior Counsel
For Mr.K.Koushik for R2



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.172 of 2023 on the file of the first respondent police for the offences under Sections 420, 468, and 120-B IPC.

2. The learned counsel for the petitioners would submit that the dispute between the parties is purely civil in nature, arising out of a financial transaction. It is submitted that the first petitioner had earlier initiated proceedings under Section 138 of the Negotiable Instruments Act in C.C.No.3356 of 2020, and after a full-fledged trial, the accused therein, who is the second respondent in the present case, was acquitted by the learned XIX Metropolitan Magistrate, Chennai, by judgment dated 24.02.2025. It is further submitted that during the course of the said trial, no credible evidence was brought on record to substantiate the allegations of theft or forgery of the cheque in question. The second respondent has taken contradictory stands in the earlier proceedings in C.C.No.3356 of 2020 and in the present complaint, and the registration of the present FIR is alleged to be a malicious attempt to harass the petitioners and is nothing but an abuse of the process of law.

3. Per contra, the learned Senior Counsel appearing for the second respondent would submit that this is the second quash petition filed by the

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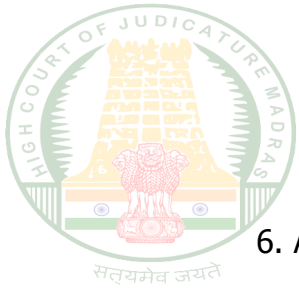


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petitioners. Earlier, in Crl.O.P.No.18937 of 2024, a petition for quashing the same FIR was disposed of by this Court. While disposing the same, this Court had clarified that the respondent was at liberty to file a complaint after the outcome of the trial in C.C.No.3356 of 2020. Further, it is submitted that the Forensic Report has confirmed that the signature on the cheque does not match that of the complainant, and therefore, a prima facie case of forgery and fraud is made out.

4. Heard the learned counsel on either side and perused the materials available on record.

5. On a perusal of the FIR, the complaint, and other documents placed before this Court, this Court is of the view that a prima facie case has been made out against the petitioners with regard to the alleged fraudulent use of the cheque in question. The contentions raised by the petitioners are in the nature of defence and involve disputed questions of fact, which cannot be gone into under Section 482 Cr.P.C. at the stage of investigation. Further, as rightly submitted by the learned Senior Counsel for the second respondent, the present FIR pertains to a separate cause of action involving alleged forgery and cheating, and the genuineness of the disputed cheque is now supported by expert opinion. Therefore, this Court is not inclined to quash the FIR.



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6. Accordingly, this Criminal Original Petition is dismissed. However, it is made clear that the petitioners are at liberty to work out their remedy in accordance with law after the filing of the final report. The respondent police is directed to complete the investigation and file the final report before the jurisdictional Court within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

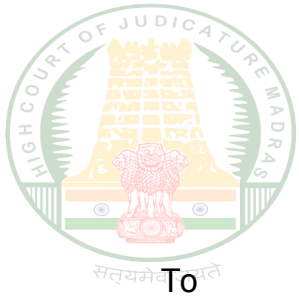
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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- To
1. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
 2. The Public Prosecutor, Madras High Court, Chennai.



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P.VELMURUGAN, J

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