



Crl.O.P.No.16678 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.16678 of 2025
and
Crl.M.P.Nos.10424 and 10425 of 2025

Anand, S/o Mathi

.. Petitioner

Vs.

1. The State, rep. by the
Inspector of Police (Crime),
T-9, Maraimalai Nagar Police Station,
Maraimalai Nagar,
Tamil Nadu - 603 209.

2. Parthasarathy, S/o Lakshmipathy

.. Respondents

Criminal Original Petition filed under Section 528 of the BNSS praying to call for the records in C.C.No.506 of 2024 on the file of the Judicial Magistrate-I, at Chengalpet and quash the same.

For petitioner : M/s.L.Infact Dinesh

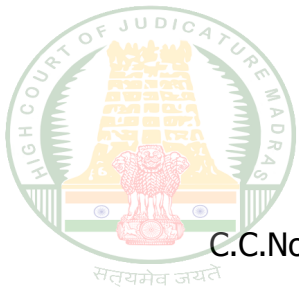
For respondents : Mr.S.Vinoth Kumar, Govt. Advocate (Crl. Side) for R-1

Mr.T.S.Vigneshwaran for R-2

ORDER

Criminal Original Petition is filed praying to call for the records in

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C.C.No.506 of 2024 on the file of the Judicial Magistrate-I, at Chengalpet and quash the same.

2. Learned counsel for the petitioner/accused submitted that the petitioner is arrayed as A.2 in this case and there are no allegations against the petitioner, except the monetary transaction relating to borrowal of money and there was also re-payment of money, and the said transaction is purely a civil transaction. The learned counsel further contended that the petitioner is not signatory to the cheque and there are no specific overt-acts/allegations alleged against the petitioner. It is further stated that the petitioner has not cheated the de-facto complainant as alleged and therefore, the learned counsel for the petitioner prayed to quash C.C.No.506 of 2024.

3. Learned counsel for the second respondent/de-facto complainant submitted that the petitioner received Rs.5 lakhs from the second respondent/de-facto complainant and had not repaid the money. There are allegations of collusion between the parties. The petitioner/A.2 is none other than the son-in-law of the first accused. Both have conspired together and cheated the de-facto complainant. It is also stated that the petitioner (A.2) also had committed the offence(s) along with A.1 and the case had been duly proceeded against the petitioner/A.2 also.

4. Learned Government Advocate (Criminal Side) appearing for the first



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respondent submitted that there are prima-facie allegations against the petitioner and prayed that this petition may be dismissed.

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

6. On a reading of the entire materials available on record, it is clear that the petitioner/A.2 had received Rs.5 lakhs and repaid Rs.62,000/- (approximately), and this transaction is purely civil in nature. Further, it is clear that there are no other allegations against the petitioner, except the one stated above. Moreover, the cheque was not even issued by the petitioner and it is alleged that the cheque was issued only by A.1. Further, though the witnesses have stated that both A.1 and the petitioner/A.2 entered into conspiracy and cheated the de-facto complainant, there are no specific prima-facie allegations attributing any overt act being committed by the petitioner/A.2. It is to be noted that the FIR does not disclose any material particulars against the petitioner. As of now, prima-facie materials are available only against A.1 and hence, the petitioner need not be unnecessarily roped into the present criminal proceedings and he need not face the ordeal of trial.

7. It is brought to the notice of this Court that the charge-sheet has not yet been filed and only the statements under Section 161 Cr.P.C. have been recorded. Hence, the first respondent/Police is directed to conduct and complete the investigation at the earliest.

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8. For the foregoing reasons, the case in C.C.No.506 of 2024 is hereby quashed only as against the petitioner/A.2. However, the prosecution is directed to proceed with the case further, as against A.1, if any cognizable offence(s) is/are made out against him.

9. This petition is allowed to the extent indicated above. Crl.M.Ps. shall stand closed.

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Index: Yes/no

Speaking Order: Yes/no

Neutral Case citation: Yes/no

CS

To

1. The Inspector of Police (Crime),
T-9, Maraimalai Nagar Police Station,
Maraimalai Nagar,
Tamil Nadu - 603 209.
2. The Public Prosecutor, High Court, Madras.

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