



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23308 of 2025

and

Crl.M.P.No.15918 of 2025

1. Ashish Sharma

2. Priya Sharma

Petitioner(s)

Vs

1. State of Tamil Nadu

Represented By Gopinath V,

Inspector of Police,

P.S.Ambattur Estate,

Redhills District, Tamilnadu - 600 058.

2.Jayanthilal Inder Chand Jain

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to call for the records of the FIR bearing No.316/2025 dated 26.05.2025 registered at P.S.Ambattur Estate, Redhills District and to quash the same.

For Petitioner(s): M/s.Deepak Prakash

For Respondent(s): Mr. R. Vinothraja,
Govt. Advcate (crl.side)
for R1
Mr. Arvind Jayakar,
for R2



ORDER

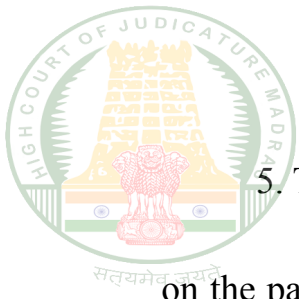
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This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.316 of 2025 pending investigation on the file of the first respondent for the offence under sections 316(2) & 318(4) of BNS Act.

2. The allegations in the First Information Report indicate the offences of breach of trust, misappropriation and cheating.

3. The learned counsel for the petitioner would state that the allegations in the First Information Report are purely civil in nature and there is no nexus between the petitioner and the defacto complainant. Hence, sought to quash the First Information Report as against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that there are prima facie materials against the petitioner and witnesses have also spoken about the role played by the petitioner in the commission of the offence and hence, prayed to dismiss this petition.



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5. The very crux of the allegations in the FIR is that there was inducement on the part of the respondent, and an extent of 995.580 grams of pure gold was handedover to the respondent with an assurance to return the same by making pure gold ornaments. However, the gold has not been returned, and it is alleged that there is breach of trust, misappropriation and cheating.

6. At this stage, whether or not the gold has been handed over cannot be examined in a roving enquiry at the FIR stage. Such matters have to be investigated only by the investigating authority.

7. At the outset, when there are prima facie materials against the petitioner, this Court cannot make a roving enquiry as to the factual aspects submitted by the petitioner. The probe has to be done and the investigation has to see its logical end. If no evidence is made out, it is well open to the Investigating Agency to file a negative report or if materials discloses cognizable offence, final report has to be filed. The Investigating Agency shall conduct investigation in a fair manner taking note of subsequent registration of



a case against this petitioner. The Court cannot interfere during investigation, unless and until the First Information Report is a clear abuse of process of law and the materials do not constitute any offence. Hence, I do not find any merits to quash the First Information Report at this stage.

8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

22-08-2025

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

Inspector of Police,
P.S.Ambattur Estate,
Redhills District, Tamilnadu - 600 058.



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N.SATHISH KUMAR J.

mrp

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