



Crl.OP(MD)No.2687 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2687 of 2025

and

Crl.M.P.(MD)Nos.1807 and 1808 of 2025

C.Muralitharan

... Petitioners / Accused Nos. 12

Vs.

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
Kudal Pudhur,
Madurai District

... Respondent / *Complainant*

2.D.Muthukumar,

... Respondent /
De facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case CC No. 163/2025, on the file of the learned Judicial Magistrate No.IV, Madurai, in connection with Crime No.563/2010 on the file of the respondent police and quash the same as illegal.

For Petitioner : Mr.J.Jeyakumaran

For R-1 : Mr.Thanga Aravindh.B,
Government Advocate (Crl. Side)



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For R-2 : No appearance

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to C.C.No.163 of 2025 on the file of the learned Judicial Magistrate No.IV, Madurai, arising out of Crime No.563 of 2010 registered for offences under Sections 420 and 506(ii) IPC, and to quash the same insofar as the petitioner/Accused No.12 is concerned, and for consequential reliefs.

Preface:

2. The inherent jurisdiction of this Court under Section 482 Cr.P.C., 1973, is to be exercised sparingly, with circumspection, to prevent abuse of the process of any Court or otherwise to secure the ends of justice. At the stage of quash, this Court does not embark upon appreciation of evidence or adjudicate disputed questions of fact. If the allegations in the final report disclose a *prima facie* case and the matter requires trial, this Court would normally refrain from scuttling the prosecution at its threshold, keeping in view the



principles laid down in ***State of Haryana v. Bhajan Lal***¹ and the consistent line of precedents thereafter.

Case of the Prosecution:

3. The prosecution case, as borne out by the FIR and the final report, is that the first accused (accused No.1), projecting himself to be a cinema producer, was acquainted with the *de facto* complainant, who was working at ABT Car Care Centre near Fathima College, Madurai. It is alleged that the 1st accused induced the *de facto* complainant to part with money on the representation that a “casket/kalasam” connected with a so-called “rice pulling” demonstration would be purchased/used and that the complainant would benefit. On such inducement, the complainant allegedly paid Rs.25,000/- (Rupees Twenty Five Thousand only), thereafter Rs. 10,000/- (Rupees Ten Thousand only), and again Rs.25,000/- (Rupees Twenty Five Thousand only), totalling Rs.60,000/- (Rupees Sixty Thousand only).

4. It is further alleged that on 15.11.2010, accused No.1 demanded a further sum by showing other accused as persons

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connected with the transaction. The complainant, suspecting cheating, lodged the complaint, on the basis of which Crime No.563 of 2010 came to be registered for offences under Sections 420 and 506(ii) IPC against 16 accused, and the petitioner is shown as Accused No.12.

5. The petitioner states that the investigation remained pending for several years and that he had earlier approached this Court in Crl.O.P.(MD) No.21372 of 2023. On 28.11.2023, the police reported that the final report had been filed through e-filing on 26.11.2023. This Court recorded the submission and disposed the petition granting liberty to the petitioner to work out his remedies, in the manner known to law. The petitioner further contends that the final report was taken on file by the learned Trial Court only on 23.01.2025 as C.C.No.163 of 2025, and that there were difficulties in securing complete copies of the charge sheet set and annexures.

Grounds urged for quash:

6. The grounds urged by the petitioner may be summarised as follows:



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The case has been taken on file after an inordinate delay of about 15 years, and therefore the prosecution is an abuse of process. The allegations of cheating under Section 420 IPC are mainly against accused No.1; the petitioner did not receive any money and there is no material to infer dishonest intention or inducement attributable to him. The offence under Section 506(ii) IPC is not made out, as there is no specific threat attributed to the petitioner. The petitioner also refers to limitation under Section 468 Cr.P.C., 1973.

Submissions:

7. The learned counsel for the petitioner submitted that the FIR is of the year 2010 and the case was taken on file only on 23.01.2025. It was contended that the money was admittedly received by accused No.1 and that as far as accused No.2 to accused No.16 are concerned, they were shown only as accompanying persons. It was submitted that, even as per the 161 statement of the *de facto* complainant, there is no clear allegation of demand or receipt of money by the petitioner. It was further contended that for Section 420 IPC there must be an intention to deceive from inception and that the petitioner had no contact with the complainant and no



role in receipt of money. With respect to Section 506(ii) IPC, it was contended that the alleged intimidation is general and not specific.

8. Per contra, the learned Government Advocate (Crl. side) opposed the petition. It was submitted that the *de facto* complainant's statement specifically refers to the petitioner, and the prosecution case is that the petitioner was introduced/portrayed as a person connected with the "kalasam/casket" and that by showing such persons the complainant was induced to part with money. It was further contended that these cases are part of a larger "rice pulling" scam and that the petitioner is not a stranger to the occurrence and that he was allegedly present at the time of receipt of money, and the allegations disclose conspiracy/participation, which are matters to be tested only during trial. As regards limitation, it was submitted that Section 468 Cr.P.C., 1973, has no application to offences punishable with imprisonment exceeding three years and, in any event, the question raised requires adjudication on facts and cannot be a ground for quash at the threshold in the present case.



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

Point for Consideration:

10. The point that arises for consideration is:

Whether the proceedings in C.C.No.163 of 2025, arising out of Crime No.563 of 2010 for offences under Sections 420 and 506(ii) IPC, are liable to be quashed under Section 482 Cr.P.C., 1973 insofar as the petitioner/accused No.12 is concerned?

Analysis:

11. The petitioner has raised the plea of limitation with reference to Section 468 Cr.P.C., 1973. However, Section 468(2) Cr.P.C., 1973 prescribes limitation only up to offences punishable with imprisonment not exceeding three years. The offences invoked in the present case include Section 420 IPC, which is punishable with imprisonment which may extend to seven years, and Section 506(ii) IPC, which may also extend beyond three years as per the charge. Therefore, the statutory bar under Section 468 Cr.P.C., 1973, as canvassed by the petitioner, does not operate to invalidate



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cognizance in the present case merely on the ground of passage of time.

12. The grievance of delay in investigation and the delay in filing/numbering of the final report may be matters of relevance for the trial Court while appreciating evidence and assessing prejudice, but they do not, by themselves, constitute a legal bar warranting quash at the threshold in a prosecution for the offences alleged.

13. The petitioner's contention is that the entire receipt of money is attributed to accused No.1 and that the petitioner has no role. The learned Additional Public Prosecutor, however, pointed out that the de facto complainant's statement specifically refers to the petitioner and that the prosecution case is that the complainant was induced to part with money by projecting the petitioner as a person connected with the "kalasam/casket", and that the petitioner was present along with the other accused.



14. At this stage, this Court cannot undertake a meticulous examination of the statement under Section 161 Cr.P.C., 1973, to render a finding as to the truthfulness of the allegation. So long as the materials disclose a prima facie case and the prosecution version is not inherently absurd or impossible, the Court would not substitute its assessment for the trial process.

15. The submission that the charge sheet mentions only three witnesses also cannot, by itself, be a ground to quash. The sufficiency or adequacy of evidence is not to be evaluated under Section 482 Cr.P.C., 1973. If the *de facto* complainant attributes a role to the petitioner in the inducement/transaction, and if the prosecution asserts participation, the matter must ordinarily be tested in trial.

16. For Section 420 IPC, the ingredients include deception and dishonest inducement. The prosecution asserts that the petitioner was projected as a person connected with the alleged scheme and that by showing such persons the complainant was induced to part with money. Whether the petitioner actually participated, whether he



had dishonest intention, whether he received any benefit, and whether the inducement is proved are all matters which require evidence.

17. As regards Section 506(ii) IPC, the petitioner contends that there is no specific intimidation by him. The prosecution disputes this and relies on the complainant's statement. Whether the allegation is omnibus or specific and whether intimidation is established are again matters of appreciation of evidence, which cannot be pre-judged in proceedings under Section 482 Cr.P.C., 1973.

18. In the considered view of this Court, the grounds urged by the petitioner essentially invite this Court to undertake an appreciation of factual materials and enter into disputed issues, which is impermissible at the quash stage.

19. On a careful consideration of the rival submissions and the materials placed, this Court is of the view that the final report and the statement relied upon by the prosecution disclose issues



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requiring adjudication in trial. The petitioner has not made out a case falling within the limited categories warranting interference under Section 482 Cr.P.C., 1973. It is clarified that the observations made herein are only for the purpose of deciding this petition under Section 482 Cr.P.C., 1973, and shall not influence the trial Court while deciding the case on its own merits.

20. In the result, this Criminal Original Petition is dismissed. The learned Judicial Magistrate No.IV, Madurai, is directed to proceed with C.C.No.163 of 2025 in accordance with law and dispose of the same expeditiously.

21. The petitioner is at liberty to raise all his defences, including the contentions relating to delay, alleged absence of role, and the nature of allegations, before the learned Trial Court at the appropriate stage. Consequently, the connected miscellaneous petitions stand closed.

15.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Judicial Magistrate No.IV,
Madurai.
2. The Inspector of Police,
Kudal Pudhur,
Madurai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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