

Crl.O.P.(MD) No.3907 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.3907 of 2025

and

Crl.M.P(MD) No.2721 of 2025

1. Anusuya

2. Sudha

... Petitioners

Vs.

1. The Sub Inspector of Police
Central Crime Branch(CCB)
Madurai City

2. Anwar Sathik

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records in connection with the Crime No.5 of 2025 dated 10.02.2025 on the file of the first respondent police and quash the First Information Report with respect to the petitioners concerned.

For Petitioners : Mr.S.Poornachandran

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)
No.2 : Mr.Sathish Babu



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ORDER

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This petition has filed to quash the First Information Report in Crime No.5 of 2025 on the file of the first respondent police.

2. The learned counsel appearing for the petitioners would submit that based on the false complaint lodged by the second respondent the first respondent registered case against the petitioners for the offences under Sections 61(2) and 316(4) of BNS. Even as per the First Information Report there are no specific allegations as against these petitioners. The defacto complainant is running business in the name of Designers Shelter Studio. The first petitioner joined in the second respondent company as the accounts officer on June 2023. The first petitioner was looking into the account statements, maintaining accounts, GST, IT returns and salary distribution to the employees. While so, the second respondent lodged a complaint alleging that he noticed that there are some mismatch of accounts and asked to verify the same with the auditor and found that the first petitioner misappropriated a sum of Rs.40,00,000/- and the first petitioner also accepted and stated that with the help of the second petitioner they have done the act. Both the petitioners stated that they accept the misappropriation and they used it for



their own benefits. Those are all the allegations as against these petitioners.

Infact nothing happened as alleged by the defacto complainant. Originally the petitioner joined the defacto complainant company on 12.06.2023 at that time the second petitioner is working in the defacto complainant company since 2008. On 23.09.2023 the raid has been conducted by the GST officials and a sum of Rs.1,03,00,000/- was seized from the second respondent office. The petitioner put signature in the panchanama and the petitioners were summoned by the GST officials and as per the instructions of the second respondent the petitioners also appeared before the GST officials and gave statement. Therefore this petitioner decided to quit their job from the second respondent and two month salary was not paid to the petitioners, thereby there is a dispute between the petitioners and the second respondent, therefore the second respondent has lodged a false complaint. There are no records to substantiate the allegations levelled against the petitioners and only for wreck vengeance the present First Information Report has been filed and therefore the pending First Information Report is liable to be quashed.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.5 of 2025 for the



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for the offences under Sections 61(2) and 316(4) of BNS and now the case is under investigation and at this stage the petition is liable to be dismissed.

4. The learned counsel appearing for the second respondent would submit that the petitioners are erstwhile employees of second respondent company namely Designers Shelter Studio . During the course of employment both the petitioners misappropriated a sum of Rs.40,00,000/- and the same was not accounted, thereby they enquired the petitioners and they admitted the guilt that they used money for their own benefits. Therefore he lodged compliant and based on the same, the first respondent registered a case and the case is now under investigation at this stage the First Information Report cannot be quashed and hence the petition is liable to be dismissed.

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

6. On perusal of the records it is seen that the second respondent lodged complaint against the petitioner for misappropriation of money to the tune of Rs.40,00,000/- and based on the same, First Information Report has been registered by the first respondent and the same is under investigation. It is admitted fact that the petitioners are the erst while employees of the second



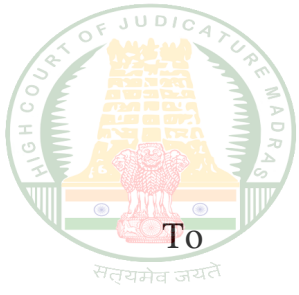
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respondent. The first petitioner was working as accountant. While so the second respondent lodged a complaint for misappropriation and the offences charged against the petitioners are serious in nature and the first respondent also conducted investigation and the same is pending. As per the First Information Report there are serious allegations and there are materials available to constitute the offences and the matter needs elaborate investigation. The contention of the petitioner cannot be considered at this stage and the matter needs elaborate investigation, thereby the petition has no merits and deserves to be dismissed.

7. Accordingly, the Criminal Original Petition stands dismissed..
Consequently connected miscellaneous petition stands closed.

22.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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1. The Sub Inspector of Police
Central Crime Branch(CCB)
Madurai City
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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