



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl. O.P(MD) No. 9856 of 2024

and

Crl.MP(MD)No.6723 of 2024

Nirmala Devi

... Petitioner/Accused

Vs

1. The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.7 of 2024)

... 1st Respondent/Complainant

2. Nishanthi

... 2nd Respondent/Defacto

Complainant

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to Crime No.7 of 2024 on the file of the respondent police and quash the same.

For petitioner :Mr.K.Raghul Priyan

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

For R2 : M/s.Nishanthi



ORDER

This criminal original petition has been filed to quash the impugned FIR in Crime No.7 of 2024 on the file of the respondent police.

2. The learned counsel for the petitioner submitted that it is all a dispute among the members of a Self Help Group where the petitioner had been one of the office bearers of the Self Help Group and dealing with the money of the Self Help Group.

3. The allegation of the prosecution is that the petitioner had misappropriated the amount of Rs.1,30,000/-. However, a careful reading of the FIR itself would reveal that due to certain inadvertence, the amount was transferred to her account. However, immediately, she had returned the said amount on 02.12.2023 & 03.12.23 respectively. Hence, the offence against the petitioner under Sections 406, 409 and 419 of IPC will not be made out and sought the indulgence of this Court in quashing the said FIR.



WEB COPY

4. The learned Government Advocate (Crl.Side) submitted that the investigation of the case is over and charge sheet will be filed shortly.

5. This Court carefully considered the submissions made on either side and also perused the materials available on record.

6. A careful reading of the FIR would reveal that the petitioner had earlier transferred the amount of Rs.1,30,000/- to the bank account of the Self Help Group. The members of the group had also received an SMS with respect to the said transaction. However, the learned counsel for the petitioner claimed that due to certain inadvertence, the same was transferred to her account and immediately, on coming to know that, she had diligently returned the amount to the Self Help Group. Hence, the offence against the petitioner under Sections 406, 409 and 419 of IPC will not be made out as put forth by the learned counsel for the petitioner.

7. Considering the fact that the amount has already been paid by the petitioner and that it is all among between the members of the same Self Help Group, this court is inclined to quash the FIR against the petitioner.



WEB COPY

8. Accordingly, the impugned FIR in Crime No.7 of 2024 on the file of the respondent police, is hereby set aside and the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

05.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
dss

To

1. The Inspector of Police,
Elumalai Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



L.VICTORIA GOWRI,J

dss

Crl. O.P(MD) No. 9856 of 2024
and
Crl.MP(MD)No.6723 of 2024

05.12.2025