



Crl.OP(MD)No.12733 of 2024

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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.12733 of 2024

and

Crl.M.P.(MD)Nos.7840 and 7841 of 2024

1.P.Kanagamoorthi

2.Kaladevi

... Petitioners

Vs.

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
City Crime Branch,
Trichy City.
(Cr.No.6 of 2022)

2.Varadharajan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the C.C.No.237 of 2024 on the file of the learned Judicial Magistrate No.I, Trichy and quash the same as illegal.

For Petitioner : Mr.R.Senthil Kumar

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

For R-2 : Mr.D.Balamuruga Pandi



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ORDER

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking to call for the records pertaining to C.C.No.237 of 2024 on the file of the learned Judicial Magistrate No.I, Trichy West, and to quash the same as illegal and an abuse of process of Court, and consequently dispense with the personal appearance of the petitioners.

Preface:

2. This Criminal Original Petition is filed invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C., seeking quashment of the criminal proceedings in C.C.No.237 of 2024, arising out of Crime No.6 of 2022, pending on the file of the learned Judicial Magistrate No.I, Trichy West, for the offences under Sections 381, 417, 420, 465, 468 and 506(i) IPC.

3. The petitioners contend that the dispute between the parties is purely civil and commercial in nature, arising out of corporate management and property transactions, and that the criminal law



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has been set in motion after an inordinate and unexplained delay, only to exert pressure and settle scores.

Case of the prosecution:

4. The case of the prosecution, as borne out from the complaint and final report, is that the second respondent / *de-facto* complainant, along with his wife, started a company in the year 2008 in the name and style of M/s. Lavanya Property Developers Private Limited, which was duly registered before the Registrar of Companies. It is alleged that the *de-facto* complainant and his wife entered into agreements for purchase of land at Alandhur Village, Trichy District, and that various payments were made to the original owners from time to time.

5. It is further alleged that the petitioners, who were later appointed as the Managing Director and representatives of M/s. Kohinoor Foundation Private Limited, misappropriated funds, sold portions of land, suppressed accounts, forged documents, threatened staff members, removed original title deeds and cheques, and attempted to alienate properties by creating forged documents.



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Based on the complaint lodged by the second respondent on 15.02.2022, the first respondent police registered Crime No.6 of 2022 for the above offences and, after investigation, laid a charge sheet, which has been taken on file as C.C.No.237 of 2024.

Grounds for quash:

6. The principal grounds raised by the petitioners are as follows:

The entire dispute pertains to company management, shareholding, and property transactions, for which civil remedies are available. The *de-facto* complainant had retired from the company and has no *locus standi* to initiate criminal proceedings. The alleged occurrences relate to the period 2006–2012, whereas the complaint was lodged only in 2022, after an inordinate delay of nearly 12 to 16 years, without any satisfactory explanation. The offences under Sections 417, 465 and 506(i) IPC are clearly barred by limitation under Section 468 Cr.P.C., 1973. No ingredients of cheating, forgery, theft or criminal intimidation are made out even if the entire prosecution case is taken at face value. The criminal proceedings are



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an abuse of the process of law, intended to arm-twist the petitioners in a long-standing commercial dispute.

Submissions:

7. The learned counsel for the petitioners submitted that the allegations in the complaint, even if accepted in toto, disclose at best a civil dispute involving accounting and contractual obligations, and that criminal colour has been deliberately given to overcome civil limitations. It was contended that the petitioners were acting in their official capacity as Managing Director and representatives of the company, and therefore the allegation of theft under Section 381 IPC is wholly misconceived. It was further argued that the alleged acts of intimidation and forgery are bald, vague and unsupported by contemporaneous records, and that the long silence of the *de-facto* complainant demolishes the credibility of the prosecution case.

8. The learned Government Advocate (Crl. side) appearing for the first respondent police submitted that the investigation has revealed *prima facie* materials, and that the truth or falsity of the allegations has to be tested only during trial.



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9. The learned counsel for the 2nd respondent contended that the petitioners have misappropriated company funds and forged statutory filings, and therefore quashment at the threshold would prejudice the prosecution.

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

11. *Point for consideration:*

The point that arises for consideration is:

Whether the continuation of criminal proceedings in C.C.No. 237 of 2024 would amount to an abuse of the process of Court, warranting interference under Section 482 Cr.P.C., 1973?

Analysis:

12. It is well settled that the inherent power of the High Court under Section 482 Cr.P.C., 1973, can be exercised to prevent abuse of process of law or to secure the ends of justice. A careful perusal of the complaint, FIR and charge sheet reveals that the gravamen of the



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allegations relates to business dealings, shareholding arrangements, and property transactions between the parties.

13. Significantly, the alleged transactions took place between 2006 and 2012, whereas the criminal complaint was lodged only in February 2022, without any plausible explanation for the enormous delay. The offences under Sections 417, 465 and 506(i) IPC, being punishable with imprisonment not exceeding three years, are clearly barred by limitation under Section 468 Cr.P.C., 1973. The allegation of theft under Section 381 IPC is inherently unsustainable, as the petitioners were admittedly in charge of the company affairs, and possession of documents by a Managing Director cannot, by itself, constitute theft.

14. The allegations of forgery and cheating are vague, omnibus and unsupported by specific particulars, and appear to be an attempt to convert a civil dispute into a criminal case. The Hon'ble Supreme Court has repeatedly cautioned against criminalisation of commercial disputes and has held that criminal proceedings should not be permitted to be used as a tool of harassment. In the



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considered opinion of this Court, allowing the prosecution to continue would result in serious miscarriage of justice and would amount to an abuse of the process of Court.

15. For the foregoing reasons, this Court is of the view that the continuation of proceedings in C.C.No.237 of 2024 is unsustainable in law. However, liberty is given to the parties concerned to work out their remedy before the appropriate Civil Court.

16. Accordingly, the Criminal Original Petition is allowed. The proceedings in C.C.No.237 of 2024 on the file of the learned Judicial Magistrate No.I, Trichy West, are quashed. Consequently, the connected miscellaneous petitions are closed. The personal appearance of the petitioners stands dispensed with.

15.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To
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- 1.The Judicial Magistrate No.I,
Trichy.
- 2.The Inspector of Police,
City Crime Branch,
Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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