



Crl.O.P.(MD)No.13217 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.08.2025

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.13217 of 2025

and

Crl.M.P.(MD)Nos.10445 and 10448 of 2025

Muthudurai

... Petitioner

versus

1. The State of Tamilnadu, Rep. by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.

2. Thirumani

... Respondents

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the impugned charge sheet in C.C.No.223 of 2018 on the file of the Judicial Magistrate No.IV, Thoothukudi in Cr.No.46 of 2016 on the file of DCB, Thoothukudi and quash the same as against the petitioner alone.

For Petitioner : Mr.S.Kanagarajan

For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



CrI.O.P.(MD)No.13217 of 2025

ORDER

WEB COPY

The petitioner is the 2nd accused in C.C.No.223 of 2018 on the file of the learned Judicial Magistrate No.IV, Thoothukudi. He is facing charges for the offences under Sections 406, 420, 506(1), 467, 468 and 120(B) of IPC. Now, the petitioner has moved this petition to quash the proceedings in C.C.No.223 of 2018 pending against him.

2. The case of the prosecution is that the 2nd respondent/defacto complainant is doing old scrap business and essence oil business. The petitioner and 1st accused were introduced by the 3rd accused to the defacto complainant with the business proposal for taking a refined oil company scrap at Villupuram. By believing the words of the petitioner and the other accused, the defacto complainant invested a sum of Rs.37,00,000/- , however, he was cheated. Hence, the case.

3. The learned counsel appearing for the petitioner submits that initially, the respondent police has refused to register the complaint of the defacto complainant that the complaint does not constitute any cognizable offence and only based on the direction of the learned Judicial



Crl.O.P.(MD)No.13217 of 2025

Magistrate, the 1st respondent has mechanically registered the case. The allegations made in the complaint are purely civil in nature and only with an intention to harass the petitioner and grab money, this case has been foisted as against the petitioner. He further submits that the alleged occurrence had taken place in the year 2014, however, the defacto complainant has initiated the criminal proceedings only in the year 2016. Apart from that, the petitioner has also raised several grounds.

4. Though the petitioner has raised several grounds, this Court is of the opinion that the grounds raised by the petitioner can be appreciated only during the trial. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court during trial. Consequently, connected miscellaneous petitions are closed.

22.08.2025

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
ogy



WEB COPY

To

1. The Inspector of Police,
District Crime Branch,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.13217 of 2025

B.PUGALENDHI, J.

ogy

Crl.O.P.(MD)No.13217 of 2025

22.08.2025