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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19221 of 2025
and
Crl.M.P.(MD).No.16048 of 2025

1.Thoufeek @ Thoufeekraja

2.Farith @ Barith ... Petitioners/Accused No.3 & 4

Vs.

1.The State of Tamil Nadu Rep. by its,
The Inspector of Police,
CCB, Madurai City.
In Crime No.24 of 2025 ... 1st Respondent/Complainant

2.Thaha Mohammed ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to Crime No.24 of 2025 dated 11.06.2025, on the file of the Inspector of Police, CCB, Madurai City and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.D.S.Haroon Rasheed

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

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ORDER

This Criminal Original Petition is filed to quash the impugned FIR in Crime No.24 of 2025 on the file of the first respondent, which was registered for the offences under Section 318(4) and 49 of BNS, 2023 (corresponding to Section 420 and 109 of IPC).

2. The gist of the allegations in the FIR is that the petitioners along with other accused had induced the defacto complainant and collected huge sums of money to redeem the jewels, which are sold in auction by the Bank, on the promise of huge returns.

3. The learned counsel for the petitioners would submit that the petitioners, who are arrayed as A3 and A4, were not named in the earlier complaint; that the allegation against the petitioners would not constitute the offences under Section 318(4) or 49 of BNS (corresponding to Section 420 and 109 of IPC); and that in fact, compromise had been arrived at between the defacto complainant and A1 and A2, which also confirms the fact that the petitioners had nothing to do with the alleged occurrence.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that the investigation is at the initial stage and if it is

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found during the course of investigation that the petitioners had no role in the transaction, the first respondent would take appropriate action.

5. Heard the learned counsel for the defacto complainant, who would reiterate the allegations in the FIR and submit that the investigation is at the initial stage and therefore, the impugned FIR should not be quashed.

6. It is needless to say the first respondent shall conduct investigation in a fair manner and if the petitioners had no role in the transaction, the first respondent may drop further action against the petitioners. It is stated that the petitioners have already given a representation on 31.08.2025. The first respondent shall consider all the documents including the said representation and file a final report as expeditiously as possible.

7. With the above observations, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

04.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

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To

1.The Inspector of Police,
CCB, Madurai City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN, J.

Lm

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