



Crl. O.P(MD) NO. 22211 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl. O.P(MD) No. 22211 of 2025

and

Crl.M.P.(MD) No.19132 of 2025

M.Devi

... Petitioner

Vs

1. State of Tamilnadu
Rep by Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(In Crime No.141/2025).

2. P.Perumal

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records relating to the impugned FIR in Crime No.141/2025 on the file of the first respondent police and quash the same as illegal, in so far as the petitioners are concerned and thus render justice.

For petitioner :Mr. G.R.Satish

For R1 :Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.141/2025 on the file of the first respondent police insofar as the petitioner is concerned.

2. The case of the prosecution is that the defacto complainant is a Manager of a private finance company and the petitioner was working as a Loan Officer in that institution. The petitioner and two other employees engaged the customers to arrange loan facilities and obtained loans in the names of certain customers. However, they did not hand over the loan amount to the customers and they have swindled the said amount. Regarding the same, the defacto complainant lodged a complaint against the petitioner and two other employees in Crime No.141/2025 for the alleged offences under Sections 316(2) and 318(4) of BNS, 2023, in which the petitioner herein is the second accused.

3. The learned counsel for the petitioner submitted that the petitioner had nothing to do with the swindled amount as alleged by the prosecution and on a careful perusal of the FIR, there is no special overt



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act against the petitioner. Hence, he prayed to quash the FIR against the petitioner.

4. The learned Government Advocate (Crl.Side), Mr.M.Sakthi Kumar, submitted that there was a huge financial fraud defrauding more than 8 victims. Further, the statement of one Chandramohan reveals that the petitioner directly involved in convincing customers and even received Rs.1,00,000/- from the said Chandramohan. Further, he submitted that the case is under investigation and hence, the FIR against the petitioner cannot be quashed, as the case is in premature stage.

5. This Court heard the submission made by either side and perused the materials available on record.

6. After a careful perusal of the materials placed before me, especially the statement of one Chandramohan and after hearing the arguments advanced by the learned Government Advocate (Crl.Side), this Court is of the view that the case is too premature. Since this Court cannot decide as to whether the petitioner is having the specific overt act in this case or not at this stage, the FIR against the petitioner cannot be quashed.



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7. Accordingly, this Criminal Original Petition is dismissed and the respondent police is directed to conclude the investigation within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

8. In view of the above order, notice to the second respondent is dispensed with.

04.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

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



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L.VICTORIA GOWRI,J

apd

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