



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

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CORAM:
THE HON'BLE MR JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. No.2926 of 2026 and Crl.M.P. No.2004 of 2026

- | | | |
|----|---|-------------|
| 1. | Syed Sardar | |
| 2. | Syed Azarudheen | Petitioners |
| | vs. | |
| 1. | The State represented by
the Inspector of Police
DCB Police Station
Cuddalore District
(Cr.No.57 of 2025) | |
| 2. | R. Subburayan | Respondents |

Criminal Original Petition filed under Sec.528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in F.I.R. No.57 of 2025 dated 27.11.2025 on the file of the first respondent police and quash the same.

For petitioner

Mr. K. Kathiresan

For R1

Mr. S. Santhosh
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking quashment of the First Information Report in Cr.No.57 of 2025 dated 27.11.2025, pending on the file of the first respondent police.



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2. The case of the prosecution as per the second respondent/*de facto* complainant is that the petitioners/accused who are known to him, induced him on the false promise of securing a Government job and eventually, cheated him to the tune of Rs.7 lakhs; when the second respondent/*de facto* complainant demanded return of money, they accepted to have received the amount for securing a Government job and gave a written undertaking to repay the amount, but, later, reneged, besides criminally intimidating him; based on the complaint, the aforesaid case was registered against the petitioners for the offences under Sections 406, 420 and 506(I) IPC.

3. Learned counsel for the petitioners submitted that a case of financial dispute has been false projected as one of job racketing; the first petitioner is a visually-challenged person employed in the Department of Differently-abled, Government of India and the second petitioner is his son; even in the complaint, the second respondent/*de facto* complainant had admitted to have received a sum of Rs.50,000/- in his wife's account and only in order to grab huge amounts by police action, a false complaint has been given against the petitioners; further, an offence of cheating and criminal breach of trust cannot go together and hence, the registration of the impugned FIR is an abuse of process of law.



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4. *Per contra*, the learned Government Advocate (Criminal Side) for the first respondent police submitted that based on the complaint given by the second respondent/*de facto* complainant, a case was registered against the petitioners only on 27.11.2025 and a notice under Section 41A Cr.P.C. was issued to the petitioners and the first petitioner appeared for enquiry, whereas, the second petitioner who had signed all the documents, had not appeared for enquiry; there is yet another complaint given by one Amala Pracey that the petitioners have cheated her to the tune of Rs.14,13,000/- and the investigation is in its nascent stage.

5. Heard both sides and perused the materials available on record.

6. Concededly, the impugned FIR has been registered only on 27.11.2025. It is also brought to the notice of this Court that yet another complaint of similar nature given by one Amala Pracey against the petitioners is also pending. Notwithstanding issuance of notice in connection with the present FIR, the second petitioner has not appeared for enquiry.



7. In **State vs. M. Maridoss (2023) 4 SCC 338**, the Supreme Court has unequivocally held that it is the right conferred on the investigating agency to conduct investigation and that reasonable time should be given in regard thereto, unless it is found that the allegations in the FIR do not disclose any cognizable offence at all or the complaint is barred by any law.

8. Given the facts and circumstances obtaining in this case and also the judgment in **M. Maridoss, supra**, there shall be a direction to the first respondent police to complete the investigation and file a final report before the jurisdictional Magistrate within a period of four months from the date of receipt of a copy of this order, by taking into consideration the documents, if any, furnished by the petitioners as well, before filing the final report.

9. With the above direction, this criminal original petition stands disposed of. Connected criminal miscellaneous petition stands closed.

10.02.2026

mrn/cad



To

1. The Inspector of Police
DCB Police Station
Cuddalore District
2. The Public Prosecutor
Madras High Court
Chennai 600 104



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A.D. JAGADISH CHANDIRA, J.

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