



Crl.O.P.No.6340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6340 of 2023
and Crl.M.P.Nos.4002 & 4003 of 2023

Parimala

W/o. Raja, No.45/79, Panchaliyamman Kovil
Street, Arumbakkam, Chennai 600 106.

..Petitioner(s)

Vs

1. State Rep.By

Inspector Of Police, S4, Nandambakkam Police
Station, Chennai 600 089. Cr.No.203/2018.

2. Vedha Arun Nagarajan

S/o. Vedhachalam, C28, Idpl Residency,
Nandambakkam, Chennai 600089.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in P.R.C.No.62 of 2022, on the file of the learned Judicial Magistrate No.I, Alandur, and quash the same.

For Petitioner(s):

Mr.M.Mohamed Riyaz

For Respondents(s):

Mr.A.Gopinath

Government Advocate (Crl. Side) for R1



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ORDER

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This petition has been filed to quash the proceedings in P.R.C.No.62 of 2022, on the file of the learned Judicial Magistrate No.I, Alandur, thereby taken cognizance for the offences punishable under Sections 406, 420, 294(b), 341, 307 and 506(ii) r/w 34 of IPC., as against the petitioner.

2. The case of the prosecution is that the defacto complainant made acquaintance of one Nandhini through his friend Palanivelu wherein the said Nandhini introduced herself that she owns a restaurant namely Express Foods as Nandambakkam. While so, the said Nandhini approached the defacto complainant to lend money for the purpose of opening restaurants at Vadapalani and Kodambakkam. Therefore, the defacto complainant had given a sum of Rs.50,00,000/- to Nandhini, her daughter Vaishali, her son Karan and this petitioner for which, the said Nandhini issued title document and cheques in favour of the defacto complainant. However, the cheques issued by the petitioner and others were dishonoured and the defacto complainant also came to know that the document issued by Nandhini was forged one. When the defacto complainant asked for return of money, the accused persons threatened the defacto complainant with dire consequences. It is further alleged that on 04.09.2018 around 12.00 pm., when the defacto complainant went to Apollo
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Pharmacy near Manapakkam, the accused persons harassed the defacto complainant and also tried to attack him with weapons. Hence, the defacto complainant lodged complaint before the first respondent. On receipt of the complaint, the first respondent registered the FIR in Crime No.203 of 2018 and after completion of investigation, they filed final reported in P.R.C.No.62 of 2022 for the offences punishable under Sections 406, 420, 294(b), 341, 307 and 506(ii) r/w 34 of IPC. To quash the said proceedings, the petitioner filed the present petition.

3. The learned counsel appearing for the petitioner submits that the petitioner is arrayed as A4. Insofar as the petitioner is concerned, the respondent filed charge sheet for the offences under Sections 406, 420, 294(b), 341, 307 and 506(ii) r/w 34 of IPC. The only allegation made as against the petitioner is that she issued cheques in order to repay the loan amount in favour of the second respondent. It got dishonored and as such, the second respondent also initiated proceedings under Section 138 of the Negotiable Instruments Act and it is pending for trial. Therefore, the offence under Section 420 of IPC is not at all made out as against the petitioner. That apart, it is only money transaction between the accused and the second respondent and it cannot be turned into criminal prosecution.

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3.1. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court of India reported in **CDJ 2024 SC 228** in the case of **A.M.Mohan Vs. State Rep., by Sho & anr.**, which held that there is a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. There is an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Further held that any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.

3.2. He also relied upon another judgment reported in **2025 LiveLaw (SC) 726** in the case of **Shailesh Kumar Sing alias Shailesh R Singh Vs. State of Uttar Pradesh & ors.**, in which the Hon'ble Supreme Court of India held that in order to constitute an offence of cheating, there has to be something more than prima facie on record to indicate that the intention of the accused was to cheat the complainant from the inception. In the case on hand, the petitioner had absolutely no intention to cheat the second respondent



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and as such the charge under Section 420 of IPC is not at all attracted as against the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that there are totally four accused and the petitioner is arrayed as A4. She is none other than the mother of the first accused. All the four accused borrowed a sum of Rs.50,00,000/- from the second respondent and failed to repay the said amount. When it was questioned by the second respondent, he was criminally intimidated and also threatened with dire consequences. The accused persons also attempted to do away his life. Therefore, the first respondent rightly completed the investigation and filed charge sheet for the offences under Sections 406, 420, 294(b), 341, 307 and 506(ii) r/w 34 of IPC. Insofar as the petitioner is concerned, she also borrowed huge money and in order to repay the said amount, she issued a cheque. It got dishonored and as such, she is also facing the proceeding initiated under Section 138 of the Negotiable Instruments Act. There are specific allegations as against the petitioner and therefore, he prayed for dismissal of this petition.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. There are totally four accused in which, the petitioner is arrayed as A4. According to the second respondent, he lent a sum of Rs.50,00,000/- in favour of the accused 1 to 4. Thereafter, they failed to repay the said amount. In order to cheat the second respondent, all the accused had issued cheques separately to the tune of Rs.36,00,000/-. However, all the cheques were returned dishonored for the reason “insufficient funds”. Therefore, the second respondent also initiated proceeding under Section 138 of the Negotiable Instruments Act, as against the accused persons including the petitioner herein and they are facing charges for the offence punishable under Section 138 of Negotiable Instruments Act also. Therefore, the petitioner after having full knowledge that she had no money in her account, she issued cheque to the second respondent in order to cheat him. Therefore, very inception of the transaction, the petitioner had intention to cheat the second respondent and issued cheque. It got bounced and she is also facing the proceeding in C.C.No.146 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Alandur, for the offence punishable under Section 138 of the Negotiable Instruments Act.

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7. Therefore, the offence under Section 420 of IPC is clearly made out as against the petitioner. Further the judgment relied upon by the learned counsel appearing for the petitioner is not at all applicable to the case on hand, since the ingredients to constitute the offence under Section 420 of IPC are clearly made out. The ingredients to constitute the offence under Section 420 of IPC are that a person cheated must be dishonestly induced to deliver property to any person or make, alter or destroy valuable security or anything signed or sealed and capable of being converted into valuable security. Therefore, cheating is an essential ingredient for an act to constitute an offence under Section 420 of IPC.

8. Further, the statement of the second accused revealed that the deception of the petitioner and fraudulently, dishonestly inducing him to deliver money to the accused and dishonest intention of the accused at the time of making inducement as such, the second respondent lent such a huge amount. Therefore, the offence under Section 420 of IPC., is clearly made out and this Court finds no ground to quash the entire proceedings. However, considering the facts and circumstances of the case, the personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after

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filing appropriate application. The petitioner shall be present before the Court below at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C., and at the time of passing judgment.

Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are also closed.

03.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Judicial Magistrate No.I,
Alandur.
2. The Inspector Of Police,
S4, Nandambakkam Police Station,
Chennai 600 089.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.6340 of 2023

G.K.ILANTHIRAIYAN. J,

rts

Crl.O.P.No.6340 of 2023 and
Crl.M.P.Nos.4002 & 4003 of 2023

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