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*Crl.O.P.No.6749 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

CORAM:

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

Crl.O.P.No.6749 of 2023 and  
Crl.MP.No.4244 of 2023

1.V.Babu  
2.B.Sujitha

... Petitioners

Vs.

1.THE State,  
INSPECTOR OF POLICE,  
Cuddalore NT Police Station,  
Cuddalore

2.R.KOLANCHIYAPPAN

... Respondents

**Prayer:** Criminal Original petition filed under Section 482 of Cr.P.C. to call for the charge sheet filed before Learned Judicial Magistrate No.II, Cuddalore and numbered as CC.No.232 of 2019 and to quash the same as illegal.

For Petitioners : Mr.S.R.Sureshkumar

For Respondents

For R1 : Mr.L.Baskaran,  
Government Advocate(crl.side)

**ORDER**

This criminal original petition has been filed praying to quash the proceedings in CC.No.232 of 2019 on the file of the learned Judicial Magistrate No.II, Cuddalore.



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2. The case of the prosecution is that the second respondent is working as Assistant Engineer in the Tamilnadu Transport Corporation.

The first accused was introduced by one A.Boopathi, who is also working in Cuddalore Zone, to the second respondent in the year 2014. Thereafter they developed relationship. The first accused informed to the second respondent that he has contact with the Personal Assistant to the Tamilnadu Chief Minister and if any help is required, the second respondent can contact him. While being so, the first accused told that he was in urgent need of money to complete his house construction. Since he had contact with Personal Assistant to the Chief Minister, the second respondent had lent a sum of Rs.25,15,000/- by cash. Thereafter, when the second respondent demanded to repay the money, the first accused refused to repay the loan amount. Hence, the second respondent filed a complaint. On receipt of the complaint, the first respondent registered FIR in crime No.451 of 2018 for the offence punishable under Section 420 of IPC. After completion of investigation, final report was filed and the same was taken cognizance by the trial court.

3. The first respondent filed final report against two accused persons including the wife of the first accused on the ground that the first accused confessed that only on the instigation of the second accused, he



borrowed money from the second respondent and also on her instruction only, he cheated the second respondent.

4. The learned Government Advocate (crl.side) appearing for the first respondent submitted that the first accused died and the second accused alone is alive. He also submits that only on the basis of the confession statement of the first accused, the second accused has been implicated as accused.

5. On perusal of the records, it is revealed that all the allegations were made only against the first accused. The statement of the second respondent and also other records would clearly show that the first accused himself had pretended to be very close with the Personal Assistant to the Chief Minister and had assured that he can do any kind help. At that juncture, the first accused requested the second respondent for loan to complete his house construction. Believing the words uttered by the first accused, the second respondent had paid a sum of Rs.25,15,000/- by cash to the first accused. Nowhere the second respondent had whispered about the involvement of the second accused in the entire transaction. After registration of FIR, the first respondent recorded the confession statement of the first accused and impleaded the



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second accused. Though the second petitioner was implicated as accused on the confession of the statement of the first accused, there was no recovery from the second accused and there is absolutely no material to connect the second accused to the present case except the confession statement. Further, no one has spoken about the role played by the second accused except the confession statement recorded from the first accused. Hence, no charge has been made out against the second accused and the entire proceedings cannot be sustained and the same is liable to be quashed.

6. In view of the above discussion, all the charges are abated against the first accused since he died as early as on 24.12.2023. The entire proceedings in CC.No.232 of 2019 on the file of the learned Judicial Magistrate No.II, Cuddalore is quashed in respect of the second accused and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

06.03.2026

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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To  
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1.Learned Judicial Magistrate No.II, Cuddalore

2.INSPECTOR OF POLICE,  
Cuddalore NT Police Station,  
Cuddalore



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**G.K.ILANTHIRAIYAN, J.**

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