IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5216 of 2024
AND
CRL MP NO. 3805 OF 2024,
CRL MP NO. 23427 OF 2025 &
CRL MP NO. 23426 OF 2025

S.Muralidharan

..Petitioner(s)

Vs

1. State Rep. By
   Inspector of Police,
   Central Crime Branch, EDF-II,
   Team-IV, Vepery,
   Chennai – 07.

2. A. Agilandeswari

..Respondent(s)

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Cr.No.470/2018 pending on the file of the 1st respondent and quash the same.

For Petitioner(s): Mr.M.Anandaraj

For Respondent(s): Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

Mr.A.Kalaivanan for R2

ORDER

The petitioner/A1 in Crime No.470 of 2018 on the file of the 1st respondent Police, registered for the offences under Sections 420, 120-B and 34 IPC, has filed the present quash petition.

2.The case of the prosecution is that the petitioner/A1 is engaged in Onion business. A1 was introduced to the *de facto* complainant by the Manager of Karur Vysya Bank and thereafter, A2 was introduced by A1. A1 said that he procures onions directly from farmers and sells it for huge money and he owns many companies and for his business purposes, he needs investors. Therefore, he approached the *de facto* complainant and assured that he will make her a partner in the business. The *de facto* complainant, believing the words of A1 and also the documents shown by him in respect of the Companies allegedly owned by him, agreed to invest. Accordingly, the *de facto* complainant borrowed money from her friends and paid a sum of Rs.3,65,00,000/- to A1 to A4 through Bank transactions. After receipt of money, A1 and A2 and his other friends A3 and A4 were looking after the accounts for sometime. Thereafter, the accused started avoiding the *de facto* complainant. They did not keep up their promise of making the *de facto* complainant a partner in their business. When enquired, the *de facto* complainant came to know that the companies claimed by A1 do not exist. When questioned, the accused issued five cheques, but to no avail. Later, when the *de facto* complainant insisted for return of the amount, A1 and A2 abused the *de facto* complainant in a filthy language and threatened her of dire consequences and intimidated her not to ask for refund of the amount. Hence, the complaint.

3.When the matter came up on 04.06.2026, this Court passed the following order :

> *"The petitioner / accused No.1 in Crime No.470 of 2018 on the file of the 1 st respondent police for the offences punishable under Sections 420, 120(b) read with Section 34 of IPC has filed this quash petition.*
>
> *2.The contention of the petitioner is that the petitioner is 1st accused in this case. According to the petitioner, the petitioner is doing onion business. He had mortgaged a property with Karur Vysya Bank and as per the Banking norms, the property could be redeemed immediately and hence, he requested the Branch Manager to find out the financier. The defacto complainant had paid Rs.70 lakhs for redeeming the property of the petitioner and thereafter the mortgage was created for the property to an extent of 38 cents in ECR, which is more than 6 grounds for the defacto complainant's father. Thereafter, the petitioner has got nothing to do with the defacto complainant. In the complaint, it has been projected as through the petitioner had introduced three other friends to whom the defacto complainant*

had paid a sum of Rs.3,65,00,000/- and finally not repaid the amount. The petitioner has got nothing to do with the prosecution of the defacto complainant with the other three persons and the petitioner earlier obtained an anticipatory bail before this Court and this Court granted anticipatory bail with a condition for the petitioner to deposit Rs.50,00,000/- and thereafter, during COVID, the said amount could not be paid. In the meanwhile, he was arrested and thereafter bail was granted on condition to deposit Rs.70 lakhs. Considering the bail, all the money from the account of the defacto complainant to the petitioner and thereafter the petitioner also deposited Rs.70 lakhs and he has now come out on bail. Even in the counter, the defacto complainant had admitted that it is only Rs.70 lakhs to the liability to the petitioner, which he has already deposited to the Crime No.470 of 2018.

3.The learned counsel for the defacto complainant strongly opposed the submissions made by the learned counsel for the petitioner and submitted that the petitioner claimed himself to be an onion exported having several companies in his name and then his business needs some investment. He also introduced three friends to him and several companies owned by him. Based on the representation, Rs.3,65,00,000/- was paid and it was also promised that the petitioner was made as a part of the business. Later it was found that the petitioner and friends are avoiding the defacto complainant and hence, he had gone and visited the address given by them and found that no such company existed and later the defacto complainant had gone to the house of the petitioner and at that time, the petitioner stated that he is not *aware about his other friends and thereafter from the phone of A1, other accused were called, they responded to the call. Later the petitioner was threatened, forced and thrown away from the house of A1. Hence, complaint was lodged. It was further submitted that it is also found that the document which is created for mortgage is forged one. The stamp papers are not genuine and the patta is not genuine. It was further submitted that the case is at the stage of investigation and at this stage, granting stay and stalling the investigation is not proper. Hence, he filed vacate stay petition and petition to seeking the restriction of Rs.70 lakhs which has been deposited in Crime No.470 of 2018.*

4.The learned Government Advocate (Crl.Side) for 1st respondent seeks some accommodation.

5.The learned Government Advocate (Crl.Side) to specifically answer the defacto complainant's allegation how Rs.3,65,00,000/- had been transacted in whose account and who are the beneficiaries to the same and further to answer whether the mortgage deed, stamp papers are forged and also the status of the other accused. 6.Post this case on 22.06.2026."

4.Pursuant to the above order, the matter is listed today.

5.Today, the learned counsel for the petitioner, referring to the order passed by the learned Principal Sessions Judge, Chennai, in the bail petition filed by the petitioner/A1 in Crl.M.P.No.29569 of 2023 and Crl.M.P.No.29698 of 2023, dated 20.11.2023, submitted that, in the bail order, it has been clearly recorded that the petitioner had received only a sum of Rs.70 Lakhs and that too, it has been transferred to his Bank account for redeeming the mortgage; a sum of Rs.2.65 Crores was transferred to the account of A2; A3 entered into a MoU with the *de facto* complainant and received Rs.30 Lakhs; and further, A4 has issued a cheque for Rs.2 Crores and also issued 6 blank cheques. From the above, it is clear that the amounts were transferred by the *de facto* complainant to the accounts of all the accused through Bank transactions and as far as the petitioner/A1 is concerned, only a sum of Rs.70 Lakhs has been transferred to his account. Coming to such conclusion, the learned Sessions Judge has granted bail to the petitioner/A1 on condition to deposit a sum of Rs.50 Lakhs to the credit of Crime No.470 of 2018 and to deposit a further sum of Rs.20 Lakhs within 30 days from the date of release on bail. Pursuant to the said order, the petitioner had deposited a sum of Rs.50 Lakhs before the learned Metropolitan Magistrate for CCB & CBCID Cases at Egmore, Chennai, vide Bill No.05078 dated 21.11.2023 and a sum of Rs.20 Lakhs vide Bill No.05146 dated 11.12.2023. Hence, a total sum of Rs.70 Lakhs has been deposited by the petitioner before the learned Magistrate to the credit of Crime No.470 of 2018. The learned counsel further reiterated that the petitioner came in contact with the *de facto* complainant through the Manager of Karur Vysya Bank, Mandaveli Branch, with whom the petitioner already had a mortgage loan. To redeem the mortgage, it was the Manager, Karur Vysya Bank, who identified the *de facto* complainant and the *de facto* complainant had transferred a sum of Rs.70 Lakhs to release the mortgage and thereafter, the property has been redeemed and released. Thereafter, a new mortgage was created with the *de facto* complainant's father one Arivudainambi by the petitioner by registered document vide Doc.No.187 of 2016 in respect of his property situated in S.No.227/1, Perunthuravu Village, Ilathur Municipality, Cheyyur Taluk, Kancheepuram District, to an extent of 37 Cents, which is valued more than Rs.1 Crore. He further submitted that, after this mortgage, a registered Power of Attorney document has been executed by the petitioner in favour of the *de facto* complainant vide Doc.No.1747 of 2017. Now, the property is with the *de facto* complainant and her father. As regards the petitioner, he has deposited the sum of Rs.70 Lakhs which he had received from the *de facto* complainant through Bank transaction. He further submitted that A1's transaction with the *de facto* complainant is an independent transaction and the transactions between the *de facto* complainant with A2 to A4 are not related to A1, for which, A1 cannot be held responsible and cannot be retained as an accused in this case. He further submitted that this factual position can also be seen from the counter filed by the 1st respondent Police, confirming that the transaction between this petitioner/A1 and the *de facto* complainant is only Rs.70 Lakhs. Hence, the learned counsel prays for quashing of the FIR as against this petitioner/A1.

6.Learned Government Counsel (Criminal Side) appearing for the 1st respondent Police, submitted that, in this case, apart from the petitioner, there are three other accused. The petitioner had earlier filed an Anticipatory Bail application before this Court in Crl.O.P.No.10003 of 2019 and this Court, by order dated 07.06.2019, granted Anticipatory Bail to the petitioner holding that the petitioner should deposit the title deeds stands in the name of the petitioner/his friends/his relatives worth of more than Rs.4 Crores to the credit of Crime No.470 of 2018 along with valuation report. The petitioner has failed to comply with the order of this Court. Hence, the *de facto* complainant filed a petition in Crl.O.P.No.20782 of 2020 before this Court to cancel the Anticipatory Bail granted to the petitioner. This Court, by order dated 22.02.2021, cancelled the bail. Aggrieved against the same, the petitioner preferred a Special Leave Petition before the Apex Court in Special Leave to Appeal (Crl.) No.2433 of 2021 and the Apex Court, by order dated 23.03.2021, protected the petitioner for time being subject to the condition of deposit of Rs.50,00,000/- before the concerned trial Court within a period of four weeks, which the petitioner did not comply with. Thereafter, the Special Leave Petition was dismissed by order dated 13.12.2021. In the meanwhile, the petitioner was arrested and he filed a bail application before the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.29569 of 2023 and the learned Sessions Judge, by order dated 20.11.2023, granted bail to the petitioner on bail condition to deposit a sum of Rs.70 Lakhs. He further submitted that the petitioner and his business partners A2 to A4 have all projected as if they are having onion export business and they are also having business in 10 different Company names. Believing the same, around Rs.2.95 Crores has been given to the petitioner and other accused persons. He further submitted that, in this case, A2 was arrested and A1 has confirmed that the monies received from the *de facto* complainant were shared among the petitioner and other accused. The entire transaction was orchestrated by the accused persons under the leadership of the petitioner/A1 to the tune of around Rs.3.65 Crores. He further submitted that, on verification of Patta No.864, which is relied upon by A1, it was found to be standing in the names of one Thomas Mencius and Barndo Mencius in respect of a different property situated in Survey No.464/28. Thus, the petitioner/A1 is presently not in possession of any valid patta in respect of the property claimed by him and the alleged Patta No.864 relied upon by him is not a valid one issued by the Revenue Department. Now, a communication has been sent to the Tahsildar, Cheyyur Taluk, on 16.06.2026, seeking for further details and the Revenue records pertaining to the authenticity of S.No.227/1 and the patta issued in that Survey Number, more particularly, Patta No.864 for S.No.227/1 and whether the patta stands in the name of A1/Muralidharan, S/o.Subramaniyam. In this case, A1 was arrested and A2 was also arrested. A3 is absconding. A4 appeared before the respondent Police on Section 41-A notice and he has given his statement. As on date, all the co-accused have stated as to how they have joined together and cheated the *de facto* complainant. Now, the veracity of the public documents is being probed. Investigation is proceeding. Since A3 is absconding, steps are being taken to apprehend A3. The amount of Rs.70 Lakhs deposited by A1 is only a paltry amount compared to the cheated amount of Rs.3.65 Crores in this case. Therefore, he opposed this petition.

7.Learned counsel for the 2nd respondent / *de facto* complainant has produced the Bank transactions and has filed his counter. He submitted that the petitioner is the king pin leader of the gang, who, along with A2 to A3, had orchestrated the entire fraud. Initially, the petitioner came in contact with the *de facto* complainant through Manager of KVB, as though he is in great trouble and his export business is likely to face a loss and that he is facing trouble with the Bank with regard to mortgage of his property. Hence, on the representation of the petitioner, an amount of Rs.70 Lakhs was released for redemption of mortgage on the A1's property. Thereafter, it was agreed by A1 that the *de facto* complainant will be made as a partner in his business and the newly mortgaged property by the petitioner can be kept as a security. Believing the same, the *de facto* complainant transferred several amounts to the accused persons. The amount handed over to the accused was Rs.2.95 Crores. A2, after arrest, on his confession, has stated that the amount received by him has been re-transferred and re-credited and handed over to the petitioner/A1. The learned counsel submitted that all the transactions revolves around A1. A1 is the king pin. A1 had ensured that the amounts have been paid to Saikumar, Bhairava Traders, Sukra Traders, Sangeetha, Akshaya Marketing and Chakra Commercial Enterprises. In support of his contention, the learned counsel has also produced the Bank statements. He submitted that, through email, an amount of Rs.1,50,00,000/- has been transferred; a sum of Rs.65,00,000/- has been paid in cash; and a sum of Rs.70,00,000/- has been paid to the petitioner/A1 through various modes and in total, a sum of Rs.3,79,90,730/- has been received by the accused in this case, including the petitioner. He submits that all the documents have been handed over to the Investigating Officer. Further, the patta produced by the petitioner is a forged one. The petitioner has not only received the amount, but has also used forged documents to further deceive the *de facto* complainant. Hence, he opposed this petition.

8.Heard the learned counsel on either side and perused the entire materials available on record.

9.It is a case of cheating. The allegation against the petitioner is that he has cheated the *de facto* complainant and has received a huge sum of money through Bank transactions. There are totally four accused persons in this case and the petitioner is A1. From the counter filed by the 1st respondent Police, it is seen that the A2, who was arrested, has confessed that the monies received by them has been re-transferred to the petitioner. Further, A3 is absconding. It is also submitted steps are being taken to apprehend A3 and that investigation is proceeding. Further, it is alleged that the petitioner has created a mortgage in favour of *de facto* complainant's father in respect of a property, for which the petitioner claims to have patta bearing No.864. However, on verification, it has been found that the alleged Patta No.864 relied upon by the petitioner does not appear to have been validly issued by the Revenue Department. It is also stated that the documents relied upon by the petitioner are also forged documents. This Court is of the view that the authenticity and genuineness of the documents relied upon by the petitioner and the other factual aspects involved in this case, require further probing. Further, in this case, one of the accused is absconding. Therefore, only after a full fledged investigation, the role of the petitioner and the other accused can be confirmed.

10.In view of the above, finding that the allegations made out in this case require a full fledged investigation and that the investigation is now in progress, hence, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

11.It is seen that the petitioner had deposited a sum of Rs.70,00,000/- (Rupees Seventy Lakhs only) to the credit of Crime No.470 of 2018 before the learned Metropolitan Magistrate for CCB & CBCID Cases at Egmore, Chennai. The learned Magistrate is directed to deposit the said amount in a Nationalised Bank in an interest bearing deposit.

22-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MKN

To

1.The Metropolitan Magistrate for CCB & CBCID Cases
at Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch, EDF-II,
Team-IV, Vepery,
Chennai – 07.

3.The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR J.

MKN

CRL OP No. 5216 of 2024

22-06-2026