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CrI.O.P.No.4963 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.4963 of 2026

Gomathi

W/o.Munuamy

... Petitioner

Vs.

1. State rep. By
The Inspector of Police
Economic Offence Wing
Head Quarters, Ashok Nagar
Chennai -83

2. Yogalingam
S/o.Seethapathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to C.C.No.690 of 2025 dated 01.04.2025 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai-8 and quash the same.

For Petitioner : Mr.N.Naresh

For Respondents : Mr.Leonard Arul Joseph Selvam
Addl. Public Prosecutor - R1

R2- Present in Court



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ORDER

This Criminal Revision case has been filed to set aside the order passed by the learned Chief Metropolitan Magistrate Court, Egmore, Chennai, in C.C.No.690 of 2025 dated 01.04.2025.

2. The contention of the petitioner is that the petitioner, the petitioner's brother viz., Rajapandian and his wife viz., S.R.Vidhya were working in BSNL office and that the petitioner's brother has conducted a chit fund along with his wife and they only misappropriated the chit amount and the petitioner had nothing to do with the allegation. Since A1/Rajapandian passed away, the petitioner was added as an accused in this case.

3. The learned Additional Public Prosecutor would submit that in this case, on the complaint of the de-facto complainant, a case in Crime No.2 of 2018 was registered and thereafter, charge sheet has been filed in C.C.No.690 of 2025. In the charge sheet, the subscribers to the chit fund have been listed and their statements have been recorded. L.W.1 to L.W.21 are the subscribers to the chit and L.W.22 and L.W.23 are the witnesses, who speak about the conduct of the chit by the said Rajapandian and also purchasing of land and constructing a house by the



said Rajapandian and L.W.24 and L.W.25 are the witnesses of State Bank of India and Union Bank of India, who speak about the bank transactions and L.W.26 is the Inspector, who received the complaint and registered the FIR, L.W.27 and L.W.28 are the Investigating Officer, who conducted the investigation and filed the report. After recording the witnesses and collected materials, charge sheet has been filed and now the investigation has to proceed. At this stage, the points raised by the petitioner is not sustainable, since all the 3 accused including Rajapandian are working in BSNL office and the subscribers are also from the BSNL office, hence, taking advantage of their position, they collected huge amount from the subscribers and misappropriated the chit amount. The witnesses statement clearly shows the role played by the petitioner.

4. The second respondent/de-facto complainant appeared in person before this Court and reiterated the complaint and also agreed with the submissions of the learned Additional Public Prosecutor and submitted that in this case, the chit was conducted in the petitioner's house only. The petitioner, now taking advantage of death of her brother, claims that she is unaware about the chit conducted by Rajapandian. The petitioner is very much actively participated in the chit.



Crl.O.P.No.4963 of 2026

M.NIRMAL KUMAR, J.

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5. Considering the points raised by the petitioner and the statement given by the de-facto complainant and also considering the submission of the learned Additional Public Prosecutor, this Court is of the view that the contentions of the petitioner can be raised before the trial Court and the same would be considered during trial.

Accordingly, this Criminal Original Petition is dismissed.

23.03.2026

mp

To

1. The Chief Metropolitan Magistrate Court
Egmore, Chennai-8
2. The Inspector of Police
Economic Offence Wing
Head Quarters, Ashok Nagar
Chennai -83
3. The Public Prosecutor,
High Court, Madras.

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