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CRL OP No. 5927 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5927 of 2026

AND

CRL MP NO. 4375 OF 2026

T.Prabhakaran

Petitioner

Vs

1.State

Rep. by its Inspector of Police,
T-1, Ambattur Police Station,
Ambattur.

2.Anthoniammal

Respondents

PRAYER

This criminal original petition is preferred under section 528 of BNSS seeking to call for the records relating to C.C.No.49 of 2019 on the file of the Learned Judicial Magistrate Court, Ambattur and quash the same against the Petitioner and pass such further or other orders as this Hon'ble Court may deem fit in the circumstances of this case and thus render Justice.

For Petitioner: Mr.R.Ragavendran

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

ORDER

The present criminal original petition has been filed by the petitioner who



is facing trial in C.C.No.49 of 2019 on the file of the learned Judicial Magistrate, Ambattur for the alleged offence under section 392 of IPC, seeking to quash the same.

2.The gist of the prosecution case is that the petitioner and the defacto complainant were good friends. The petitioner had requested loan for a sum of Rs.1,00,000/- from the defacto complainant, but she had informed the petitioner that she does not have any money. In the meanwhile, the husband of the defacto complainant, who was working in Gujarat, had called the petitioner and asked him to find out if any plot is available for purchase. Keeping this in mind, on 19.04.2018 at about 03.30 p.m., the petitioner has taken the defacto complainant in his bike and took her to Ambattur Shanmugapuram to show a plot. After reaching an isolated place, the petitioner had threatened the defacto complainant and forcibly took away 3 sovereign of gold bangles, 3 sovereigns of gold chain, ½ sovereign gold ring and 3 ½ sovereign gold necklace from her and he had fled away from the place of occurrence. Thereafter, on receiving the complaint, the first respondent police visited the scene of occurrence, prepared observation mahazar and rough sketch and recorded the statement of witnesses. The petitioner was arrested on 20.04.2018 and the gold ornaments and the bike were recovered from him.

3.The contention of the petitioner is that the petitioner has been falsely implicated in this case. The petitioner and the husband of the defacto



complainant were good friends and the husband of the defacto complainant asked the petitioner to find out a good plot for purchase. Accordingly, the petitioner has seen several plots and has identified one plot, for which the petitioner has taken advance of Rs.1 Lakh from the defacto complainant and handed over the same to a third party and later, he could not get back the amount and thus, there was some misunderstanding between the petitioner and the defacto complainant. Therefore, a false case has been registered against him and a case has been projected as if on 19.04.2018, the crime has been committed by the petitioner and he had taken away the gold jewels and later, on arrest, the recovery has been made. The arrest and confession witnesses are stock witnesses and no public has been cited as a witness in this case. In the meanwhile, the defacto complainant, realizing the mistake, had come forward to compound the offence and to withdraw the complaint.

4.The learned Additional Public Prosecutor, who took notice for the first respondent, has submitted that the defacto complainant has lodged a complaint stating that the petitioner has taken away her to the isolated place in the guise of showing a plot and thereafter, threatened her and forcibly took away the gold jewels of her. Subsequently, the defacto complainant had lodged a complaint. The petitioner was arrested and immediately, on his confession, the gold jewels of the defacto complainant were recovered. The witnesses with regard to the confession had clearly confirmed about the recovery. It is further submitted by



the learned Additional Public Prosecutor that now the defacto complainant is not willing to prosecute the case and that she has also disclosed that earlier her husband and the petitioner were good friends and there was some misunderstanding in identifying the plot and for the return of the advance money given to the petitioner but now, a compromise has been made and it has been confirmed.

5.In the light of the above submissions, it is seen that the petitioner and the defacto complainant's husband were good friends and both of them were in search of a plot and that an advance payment of Rs.1,00,000/- has been made to the petitioner in respect of one plot and the same was not returned, due to which there was misunderstanding and they fell apart. Primarily, there was a money dispute between them and that the above case is only an offshoot of the earlier dispute. Now, both the parties have agreed for a compromise and the defacto complainant is willing to withdraw the complaint. They have filed a joint memo of compromise stating that the issues/differences between them have been resolved. The first respondent police had also independently enquired the defacto complainant in the court and it was informed that the defacto complainant is not willing to proceed with the case and has agreed to withdraw the case.

6.In view of the above, C.C.No.49 of 2019 on the file of the learned Judicial Magistrate, Ambattur is quashed and the petitioner herein is discharged



of all the charges levelled against him. Accordingly, this criminal original petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

09-03-2026

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

1. The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur.
2. Judicial Magistrate,
Ambattur.
3. The Additional Public Prosecutor,
Madras High Court,
Chennai.



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M.NIRMAL KUMAR J.

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