



WEB COPY



Crl.O.P. No. 6379 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No. 6379 of 2026

&

Crl.M.P. Nos. 4690 & 4691 of 2026

K.D. Karthikeyan

..Petitioner

Vs.

1. State rep. by
The Inspector of Police,
District Crime Branch,
Salem,
Crime No. 3 of 2023,
Salem District.

2. K.P. Jayaraman

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records relating to the criminal case in C.C. No. 1816 of 2025 on the file of the learned Judicial Magistrate No.VI, Salem and quash the same insofar as the petitioner is concerned.

For Petitioner

::

Mr.N. Manoharan



WEB COPY



Crl.O.P. No. 6379 of 2026

For Respondents ::

Mr.R. Rajasekaran
Counsel for Govt. of Tamil Nadu,
(Crl.Side) for R1
Mr.N. Umapathi for R2

ORDER

The petitioner/A7, who is facing trial in C.C. No. 1816 of 2025 on the file of the learned Judicial Magistrate No.VI, Salem, for offences under Sections 120B, 408, 420, 477A, 506(i), 109, 406, 468, 470, 471 IPC and Sections 66, 43(i) and 43(j) of Information Technology (Amendment) Act, 2008 has filed this quash application.

2. The case of the prosecution is that the 2nd respondent/complainant's son had engaged one Kathirvel (A1) and his brother Kamaraj (who is no more) for the purpose of purchasing arecanuts from the land owners by engaging the workers of one Annamalai/LW2. It is alleged that A1 and the said Kamaraj used to approach the owners of arecanut grove in different districts, purchase the grown up crops and thereafter, transport the same to the place of A2 (petitioner's father) at Ottakuthirai, Gobichettipalayam. The brother of A1, namely, Kamaraj died in December, 2020. The 2nd respondent's son Balamurugan died on 16.04.2021 and subsequent to the same, the 2nd respondent/complainant had



Crl.O.P. No. 6379 of 2026

asked A1 to continue the business carried on by his son Balamurugan. A1 joined hands with A2 and failed to give proper accounts of the business.

Therefore, the 2nd respondent/complainant approached A1 to furnish the entire statement of accounts. Though A1 handed over the accounts to the 2nd respondent/complainant on 30.06.2021, the 2nd respondent found that there was manipulation of accounts by A1 and the other accused and that they had cheated by making false entries in the books of accounts and had misappropriated huge amounts for their personal gain. As A1 failed to settle the dues as agreed, the complaint came to be lodged by the 2nd respondent on 11.01.2023.

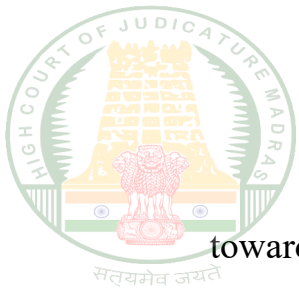
3(i). The contention of the learned counsel for the petitioner is that the petitioner, except that he is the son of A2, owner of the vehicle bearing Registration No. TN 36 AE 7740 and A3 mentioning about the petitioner in his confession statement, there is no material against the petitioner to be proceeded with. Learned counsel submitted that in this case, A1 and A3 are father and son. The complainant's son Balamurugan, had engaged A1 Kathirvel and his brother Kamaraj(who is no more) for the purpose of purchasing arecanuts from the land owners and after purchasing



Crl.O.P. No. 6379 of 2026

the grown up crops from the land owners, A1 and Kamaraj used to transport the same to the place of A2 (petitioner's father) at Othakuthirai, Gobichettipalayam, who was in the business for more than 40 years and thereafter, he had been processing and dealing with the same and accounts had been maintained. After the death of Balamurugan on 16.04.2021, the complainant had authorised A1 to carry on the business. That being so, it is now projected that during the period from 30.06.2021 to 13.08.2021, a scheme was devised, that the weighbridge bills and transaction entries were manipulated, that A1 and other accused had misappropriated huge sums of money for their personal gain and thereby, they have committed the offence of cheating and other alleged offences. The only allegation against the petitioner is that the petitioner's vehicle was used for transporting the arecanuts and the petitioner does not deny the same. According to the learned counsel, the petitioner's vehicle being used for transportation of arecanuts cannot be termed as an offence as the petitioner's father is in the said business for more than 40 years.

3(ii). The other instance projected against the petitioner is that the petitioner had purchased agricultural lands from L.W.s 98 and 99 and

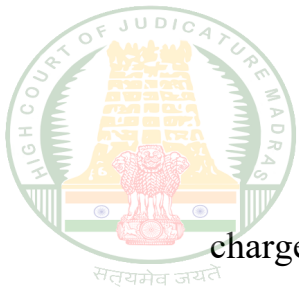


Crl.O.P. No. 6379 of 2026

towards the said purchase, one portion of the amount had been paid by the petitioner's father and another portion by the petitioner, both by means of bank transactions. According to the learned counsel for the petitioner, a father paying for his son cannot be termed as an offence. Further, the petitioner is in the agricultural business and arecanut business for quite some time and his father is in the arecanut business for more than 40 years. Hence, the transaction between the father and the son cannot be projected as though it is misappropriated money.

3(iii). Learned counsel further submitted that yet another circumstance against the petitioner is the confession of A3, who is the son of A1 wherein A3 had stated that when he went to meet the petitioner, he was asked to take a photostat copy of some land document bought by the petitioner, which he accordingly did and this would only go to show the close proximity of the petitioner with A3. Other than that, there is no material to proceed against the petitioner.

4. Learned Government Counsel (Crl.Side) appearing for the 1st respondent submitted that based on the complaint of the de facto complainant, a case was registered and on completion of investigation,



Crl.O.P. No. 6379 of 2026

charge sheet was filed listing witnesses L.W.s 1 to 101 and several documents have been collected including bank statements and copies of weighbridge receipts and the said documents would confirm that the petitioner's vehicle was used for transportation of arecanuts, amounts had been collected and the weighbridge slips given officially were destroyed and false accounts were created. As far as the petitioner is concerned, he had played an active role along with his father (A2), A1 and A3 and thereby misappropriated huge amount of money. Further, the witnesses examined have clearly spoken about the overt act of the petitioner and there are several documents to prove the same, including the bank statements.

5. Learned counsel for the 2nd respondent/complainant strongly opposed the contentions of the learned counsel for the petitioner and submitted that the statement of accounts of the petitioner would confirm that there have been several transactions of money running to crores of rupees in short intervals from the account of the petitioner's father/A2 to that of petitioner's account. For what reason, such huge amounts were transferred is not known. Further, these transferred amounts have been used for the purchase of property from L.Ws. 98 and 99. The attesting witness



Crl.O.P. No. 6379 of 2026

L.W.86 confirms that only the registration value has been shown in the document and that the real value of the land purchased runs to crores of rupees. He would further submit that there are materials which would confirm that this regular transfer of money is from illegal accounting of arecanuts. Taking advantage of the death of Balamurugan and the ignorance of his father/complainant, a scheme has been well-orchestrated by A1 and other accused including the petitioner. The petitioner and his father are residents of Gobichettipalayam and they are living together. There are materials to show that they have committed the offence and that the petitioner/A7 was also involved in misappropriation and that he was benefitted out of the transaction. The petitioner had in fact played an active role and there are evidence and materials to prove the same.

6. Considered the submissions and perused the materials on record.

7. This Court finds that at this stage, a mini trial cannot be conducted and the materials produced show a *prima facie* case against the petitioner and the points raised by the petitioner have to be agitated during trial. Hence, this Court is not inclined to entertain this criminal original



Crl.O.P. No. 6379 of 2026

M. NIRMAL KUMAR,J.

WEB COPY

nv

petition and the same stands dismissed. The Trial Court shall proceed with the trial of the case on its own merits uninfluenced by the observations made herein. Connected miscellaneous petitions are closed.

24.06.2026

nv

To

1. The Inspector of Police,
District Crime Branch,
Salem,
Salem District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P. NO. 6379 of 2026