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CRL OP No. 9442 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 9442 of 2026
and Crl.M.P.Nos.6674 & 6675 of 2026**

1. Sahira Banu
W/o.Syed Basha,
Delmar Villa A1-Door No.10,
Ashtalakshmi Garden,
Near Govt. Womans,
ITI, Opposite Cheran Nagar,
Kavundampalayam Coimbatore - 641 029.
2. Syed Basha
S/o.Jaffer,
No.10, 4th Floor, Saidam Apartment,
Ramalinga Nagar, 2nd Cross Street,
K.K.Nagar, Coimbatore - 641 038.
3. S.Ashmitha
D/o.Syed Basha,
Delmar Villa A1-Door No.10,
Ashtalakshmi Garden,
Near Govt. Womans,
ITI, Opposite Cheran Nagar,
Kavundampalayam Coimbatore - 641 029.

..Petitioner(s)

Vs

1. The State of Tamil Nadu, Represented by The
Inspector of Police,
Central Crime Branch,
Coimbatore City.
Crime No.57 of 2023
2. S.Razia Banu
W/o.Shahul Hameed,
D.No.21A, Kurinchi Nagar,
Dharapuram Road,
Udumalpet - 642 126.



..Respondent(s)

Criminal Original Petition is filed under Section 528 BNSS to call for the records relating to the proceedings in C.C.No.3053 of 2025 on the file of the Judicial Magistrate No.VII, Coimbatore and may QUASH the same and may pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): M/s.B.Nedunchezhiyan

For Respondent(s): Mr.R.Vinothraja
Govt. Advocate (Crl.side)

ORDER

The petitioners / accused facing trial in C.C.No.3053 of 2025 for the offences under Section 120B, 406, 420 IPC, had filed the quash petition.

2. The contention of the petitioners is that a case has been projected against the petitioners as though they have collected money from the *de facto* complainant and others on the promise of share market business in the year 2018. In this regard, a complaint has been lodged against the petitioners in the year 2023 with delay of 5 years and after two years, charge sheet has been filed stating no reasons for the delay. He further submitted that none of the witnesses have spoken against the petitioners for giving any money and no documents have been produced to substantiate that money has been transferred and given to



the petitioners.

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3. The learned Government Advocate (Crl.side) strongly opposed the contention of the petitioner and submitted that all the petitioners have collected around Rs.2 Crores 38 Lakhs from 20 victims on the promise of investment in share market and other businesses. In this case, the bank witnesses have been examined as L.W.9 who confirms the money transaction in the petitioner's account. Further, the *de facto* complainant and other victims have clearly deposed about being deceived and entrustment of money to the petitioners. In this case both the oral and documentary evidence confirmed the active role played by the petitioners. The point raised by the petitioners are factual which can be decided in a trial and not in a quash petition.

4. Considering the submission and on perusal of material it is seen that on complaint of the *de facto* complainant, FIR has been registered and thereafter on conclusion of investigation charge sheet has been filed listing 12 witnesses and out of which two bank witnesses have spoken about the bank transaction between the accused and the *de facto* complainant and other victims. The learned counsel for the petitioner claimed that there is no iota of materials. But apart from oral evidence, there is documentary evidence to connect the petitioners to the offence and the points raised by the petitioner are factual which cannot be decided in this petition.



5. In view of the same, this Criminal Original Petition is dismissed.

Connected miscellaneous petitions are closed.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

BKN



To:

1. The Inspector of Police,
Central Crime Branch,
Coimbatore City.
Crime No.57 of 2023

2. Judicial Magistrate – VII, Coimbatore.

3. Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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