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CrI.O.P.No.17512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.17512 of 2023 and
CrI.MP.No.11443 of 2023

1.D.Ramesh
2.R.Lakshmi

... Petitioners

Vs.

1.The Inspector of Police,
D-4, Steel Plant Police Station,
Salem District
(crime No.245 of 2022)

2.D.Suresh

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to the case in crime No.245 of
2022 dated 18.12.2022 registered for the offence punishable under
Sections 420 & 506(i) of IPC on the file of the respondent police and
quash the same.

For Petitioners : Mr.K.A.Mariappan

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)



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For R2 : Mr.S.Angamuthu

ORDER

This criminal original petition has been filed praying to quash the FIR in crime No.245 of 2022 dated 18.12.2022 registered for the offence punishable under Sections 420 & 506(i) of IPC on the file of the respondent police.

2. The case of the prosecution is that the 2nd respondent is a brother of the first petitioner, whose wife is the the second petitioner. The father of the first petitioner and the second respondent died on 28.04.2011. The 2nd respondent was taking care of their mother. However, she fell ill and the 2nd respondent admitted her at Gokulam Hospital, Salem. While she was given treatment, during January, 2020, the 1st petitioner without informing the 2nd respondent, took their mother to Coimbatore. Thereafter, it was informed that their mother died at Coimbatore. According to the second respondent, without his presence, the dead body of their mother was taken back to Salem and her body was buried. Thereafter, the jewels kept by their mother weighing 81 sovereigns, cash of Rs.85 lakhs and the original documents of all the



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immovable properties were stolen by the petitioners. Further, the 1st petitioner also swindled the money deposited in the name of their mother to the tune of Rs.21 lakhs with Indian Overseas Bank, Kanchamalai Branch, Salem. On 31.05.2022, when the 2nd respondent went to the residence of the petitioners at Coimbatore and questioned about the swindling of the money and other things, the petitioners, admitting the same, threatened the 2nd respondent with dire consequences, pursuant to which a criminal complaint was given. However, it was not enquired. Hence, the second respondent filed Crl.M.P.No.2377 of 2022 dated 31.08.2022 under sec.156(2) of CrPC, which was duly forwarded to the 1st respondent police and thereafter the present case has been filed in Crime No.245 of 2022 by the first respondent for the offence under Sections 420 and 506(i) of IPC.

3. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

4. It is seen that the petitioners had approached this Court by way of anticipatory bail petition in Crl. O.P. No.11 of 2023 and this Court ordered anticipatory bail by order dated 12.01.2023. Since the first petitioner voluntarily came forward to deposit the amount he received

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from Indian Overseas Bank as nominee of their mother i.e.

Rs.21,00,000/-, the same was ordered to be deposited to the credit of the suit in O.S. No.410 of 2021 filed by the 1st petitioner seeking partition of the properties of their parents by metes and bounds. The present case is nothing but a counter blast to the filing of the partition suit. The petitioners duly complied with the orders of this Court in Crl. O.P. No. 11 of 2023 dated 12.01.2023.

5. Further, on perusal of the entire allegations, it is revealed that the first petitioner and the second respondent are brothers. On the demise of their mother, they are fighting for her properties including jewels along with cash. Therefore, there is absolutely no ingredients available to attract the offence under Sections 420 and 506(i) of IPC. As stated supra, the first petitioner has filed a partition suit against the second respondent and other family members in OS.No.410 of 2021 and the same is pending on the file of the Principal District Court, Salem. It is apparent that the entire disputes are civil in nature in respect of the properties owned by their mother and as such, the second respondent ought to have approached the civil court for appropriate relief. Therefore, the entire proceedings is nothing but clear abuse of process of law and it cannot be sustained against the petitioners. As such, the entire impugned proceedings in Crime No.245 of 2022 is quashed.



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6. In the result, this criminal original petition stands allowed.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

To

1.The Inspector of Police,
D-4, Steel Plant Police Station,
Salem District
2.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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