



Crl.O.P.No.14459 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.06.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 14459 of 2026

and

Crl. M.P. No. 9270 of 2026

1.Sivakumar
2.Sekar
3.Rajagopal
4.Bajila Begum
5.Pugazhil

... Petitioners

Vs.

1.The State Rep., by its
Inspector of Police,
District Crime Branch,
Perambalur District.

2.Nagarajan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to call for the records relating to the FIR in
Crime No. 38 of 2025 on the file of the 1st respondent police and to quash
the same.



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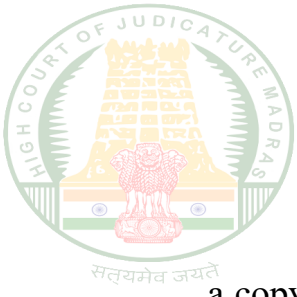
For Petitioners : Mr. K. Sathishkumar
For Respondents : Mr. R. Rajasekaran,
Counsel for Government of Tamil Nadu
(Crl.Side) for R1
Ms. V. Monisha for R2
for M/s. Swaminathan Law Associates

ORDER

The petitioners / A1 to A5 in Crime No. 38 of 2025 have filed this present petition seeking quashment of the FIR.

2. The learned counsel for the petitioners submitted that the 1st petitioner and the defacto complainant have been friends for the past ten years and that the defacto complainant is a money lender. The 1st petitioner had borrowed money for running a business establishment and had been repaying the same with interest till the year 2024. Owing to setbacks in the business, there was some delay in repayment. The loan transaction was supported by the execution of a promissory note and other documents. In such circumstances, the allegations do not disclose the ingredients of the offences of cheating or criminal misappropriation. The dispute arises out of a purely commercial transaction, which has been given a criminal color. Prior to the registration of the FIR, legal notices had been exchanged between the parties. It is further submitted that SARFAESI proceedings have also been initiated against the petitioners.

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3. The learned Government Advocate for the 1st respondent produced

a copy of the charge sheet and submitted that the same has been filed before the Judicial Magistrate No.I, Perambalur, in FR.No.18 of 2025 on 31.12.2025. He further submitted that 27 witnesses have been cited in the case and that the charge sheet has been filed against all the five accused for the offences under Sections 318(2), 318(4), 296(b) and 351(3) of BNS.

4. At this juncture, the learned counsel for the petitioners sought permission to withdraw the petition with liberty to challenge the charge sheet.

5. Recording the said submission, this Criminal Original Petition is dismissed as withdrawn. Liberty is granted to the petitioners to challenge the charge sheet in accordance with law. Consequently, connected miscellaneous petition is closed.

09.06.2026

Neutral Citation: Yes/No
AT



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M.NIRMAL KUMAR, J.

AT

To

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

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