



Crl.O.P.No.16673 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.16673 of 2026
and Crl.M.P.No.11025 of 2026

Thoufik Mohamed

.. Petitioner

Versus

1. State represented by
The Inspector of Police,
District Crime Branch,
Nagapattinam District.
(Crime No.3 of 2024)

2. Mohamed Kuthub Thaha

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to C.C.No.473 of 2024 on the file of the learned Judicial Magistrate No.I, Nagapattinam in Crime No.3 of 2024 on the file of the respondent Police and quash the same.

For Petitioner : Mr.J.Jawahar

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side),
for R1



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ORDER

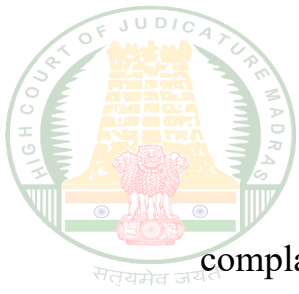
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This Criminal Original Petition is filed with a prayer to call for the records relating to C.C.No.473 of 2024 on the file of the learned Judicial Magistrate No.I, Nagapattinam in Crime No.3 of 2024.

2. On a perusal of the Final Report filed, the gravamen of the allegation is that the petitioner lured the victim to make a deposit saying that by conduct of his business, he will grant high returns. On the said allurements, the de facto complainant invested Rs.5,00,000/- and neither the profit which was promised was given nor Rs.5,00,000/- was returned.

3. Learned Counsel for the petitioner submits that it can be seen that the case is pure and simple civil in nature. When the petitioner invested in the business with the promise of returns, the returns could not be made as promise because of loss in business. The same would not amount to any criminal offence.

4. Per *contra*, learned Government Advocate (Criminal Side) for the first respondent submit that when, from the inception, with an intention to cheat, such allurements are made, based on which, the de facto



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complainant has parted away with the funds, the offences under Section 420 as well as 406 of the India Penal Code are made out. The learned Government Advocate (Criminal Side) would submit that there is yet another case against the petitioner where he has cheated multiple victims by adopting the same *modus operandi*.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. The question whether it is a pure and simple business transaction or whether the petitioner had intention at the inception of the transaction and he had made proposal to the de facto complainant only with an intention to cheat, cannot be indisputably establish or determined by this Court at the quash application stage, based on the materials that are produced on record by the petitioner. It is for the Trial Court to appreciate the entire evidence and come to the conclusion in that regard. All the contentions that are made before this Court are kept open to be raised before the Trial Court during the course of trial and this is not a case where this Court can exercise the jurisdiction to quash the Final Report.



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7. With the aforesaid liberty kept open, this Criminal Original

Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

01.07.2026

Neutral Citation : no
grs

To

1. The Judicial Magistrate No.I,
Nagapattinam.
2. The Inspector of Police,
District Crime Branch,
Nagapattinam District.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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