



WEB COPY



Crl.O.P.No.2598 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2598 of 2026
and Crl.M.P.No.1738 of 2026

Prathap Singh

... Petitioner

Vs.

1. State represented by,
The Inspector of Police,
Crime Department,
C-2, Elephant Gate Police Station,
Chennai – 600 079.

2. Manoj Kheto

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records in connection with the First Information Report in Crime No.228 of 2025 on the file of the first respondent police and quash the same.

For Petitioner : Mr.Bheru Singh

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)



Crl.O.P.No.2598 of 2026

ORDER

WEB COPY

The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.228 of 2025, pending on the file of the first respondent police.

2. Based on the complaint given by the second respondent/de facto complainant, a goldsmith, alleging that the accused had induced him and received 574.430 grams of gold jewels worth about Rs.28,72,150/- and cheated him, the first respondent police registered the aforesaid case in Crime No.228 of 2025, for the offences under Sections 409 & 420 of IPC on 30.04.2025, which is now sought to be quashed.

3. Learned counsel appearing for the petitioner submitted that even as per the complaint, the petitioner, who is arrayed as A2 in Crime No.228 of 2025, and the de facto complainant are known to each other and that there is absolutely no material to show that the petitioner has committed the aforesaid offences. He further submitted that the gold jewels were handed over only in the course of business transactions. He also contended that even taking the entire averments in the FIR at their face value, the ingredients of the alleged offences cannot be made out against the



petitioner. Hence, he prayed to quash the First Information Report pending against the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) submitted that the petitioner and other accused are brothers and that the second respondent/de facto complainant had earlier approached this Court in Crl.O.P.No.20618 of 2025 seeking a direction to complete the investigation and file the final report. This Court, vide order dated 23.07.2025, had directed the first respondent herein to expedite the investigation and file the final report at the earliest. Subsequent to the said order, one of the accused/A3 was arrested and later released on bail. He further submitted that the petitioner is an absconding accused and that despite issuance of summons, he has not appeared for investigation. He also submitted that the investigation is at a very nascent stage. He reiterated that since the investigation in this case is at still at a preliminary stage and requires a thorough investigation, this Court ought not to interdict the same under Section 482 Cr.P.C. Hence, he objected to quashing the case against the petitioner.

5. Having heard the learned counsel appearing on either side and upon perusal of the materials available on record and taking note of the fact



Crl.O.P.No.2598 of 2026

that the petitioner, an absconding accused, has not cooperated in the investigation and that the investigation is at a preliminary stage, this Court is not inclined to interfere with the investigation and does not find any merit in this petition seeking to quash the First Information Report.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. However, the first respondent police is directed to conduct the investigation and to file the final report as expeditiously as possible.

05.02.2026

Neutral Citation: Yes/No
ham

To

1. The Inspector of Police,
Crime Department,
C-2, Elephant Gate Police Station,
Chennai – 600 079.
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2598 of 2026

A.D.JAGADISH CHANDIRA, J.

ham

***Crl.O.P.No.2598 of 2026
and Crl.M.P.No.1738 of 2026***

05.02.2026