



CrI.O.P(MD)No.2588 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CrI.O.P(MD)No.2588 of 2026

and

CrI.MP(MD) Nos.2897 & 2901 of 2026

1. Thivya Prabanthan

2. G.Vishnuvardhan

... Petitioners/Accused No.2 and 3

Vs

1. The State of Tamil Nadu Rep by
The Inspector of Police,
Subramaniapuram Police Station,
Madurai City,
Madurai.
Crime No.462/2023.

...Ist Respondent/Complainant

2. Arun Subash

... IInd Respondent/Defacto
Complainant

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records relating to the Charge Sheet in C.C.No.10 of 2024 on the file of the learned Judicial Magistrate No.IV, Madurai and Quash the same as against the petitioners/ accused No.2 and 3.



CrI.O.P(MD)No.2588 of 2026

For Petitioners : Mr. A.V. Arun

For R1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For R2 : Mr.Devawaram Gamaliel Paul

ORDER

The present petition has been filed by the accused No.2 and 3 seeking to quash the charge sheet in C.C.No.10 of 2024, on the file of the learned Judicial Magistrate No.IV, Madurai, wherein, they have been charge sheeted for the offence under Sections 406 and 420 of IPC.

2.A Perusal of the charge sheet reveals that the de-facto complainant's cheque book has been stolen by A1 and A4 who are the employees and they have handed over the cheque to A2 and A3, who had deposited the same in the account of A1 in a bank at Coimbatore.

3.According to the learned counsel for the Petitioners,A2 and A3 are not the employees of the de-facto complainant.A1 and A4 alone were employees. A1 who is the friend of A2 and A3 requested the Petitioners to deposit the cheque amount in the account of A1 in a bank at Coimbatore.



CrI.O.P(MD)No.2588 of 2026

Except carrying the cheque from Madurai to Coimbatore and deposit the same in a bank at Coimbatore, they have not committed any offence. Cheques were neither entrusted to them by the defacto complainant nor they were benefitted out of the said transaction.

4.Per contra, the learned counsel for the defacto complainant submitted that A2 and A3 are friends of A1 and A4 and therefore, they have connived together and they have taken the stolen cheques from Madurai to Coimbatore and deposited the same in a bank at Coimbatore. He further submits that there is no need to deposit the cheque in a bank at Coimbatore. Therefore, certainly in order to harass, the defacto complainant, cheques have been carried out from Madurai to Coimbatore and deposited at Coimbatore.

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

6.The sum and substance of the charges against of A2 and A3 are concerned, they have carried to cheque from Madurai to Coimbatore and



CrI.O.P(MD)No.2588 of 2026

deposited the same into the account of A1. It is also clear that the Petitioners herein are not the employees of the second respondent. Cheques were not entrusted to them at any point of time. In fact, cheques were in the custody of A1 and A4 alone, who are the employees of the defacto complainant. In such circumstances, the question of invoking Section 406 IPC does not arise, especially when there is no entrustment of the cheque in the hands of the Petitioners.

7. The Petitioners are also charge sheeted for the offence under Section 420 IPC,. There is no allegation whatsoever in the charge sheet to the effect that the Petitioners herein have dishonestly induced the defacto complainant to deliver the cheque to them. In such circumstances, the question of invoking Section 420 IPC as against the Petitioners does not arise. It is settled position of law that Section 406 and 420 IPC cannot go together when there is no entrustment and hence, the question of cheating under Section 420 IPC does not arise.

8. In view of the above said facts, there is no material whatsoever to proceed against the Petitioners who are arrayed as A2 and A3 in the



Cr.I.O.P(MD)No.2588 of 2026

charge sheet. In such circumstances, directing the Petitioners to undergo the ordeal of trial does not arise and accordingly, the Charge Sheet in C.C.No. 10 of 2024, on the file of the learned Judicial Magistrate No.IV, Madurai is quashed insofar as the Petitioners are concerned and the Criminal Original Petition stands allowed to the extent as indicated above. Consequently, connected Miscellaneous Petitions are closed..

25.03.2026

Internet :Yes
Index :Yes/No
NCC :Yes/No
vsn

To

1.The Judicial Magistrate No.IV, Madurai

2. The Inspector of Police,
Subramaniapuram Police Station,
Madurai City,
Madurai.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P(MD)No.2588 of 2026

R.VIJAYAKUMAR, J.

VSN

CrI.O.P(MD)No.2588 of 2026
and
CrI.MP(MD) Nos.2897 & 2901 of 2026

25.03.2026