



Crl.OP(MD)No.6075 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.6075 of 2025

and

Crl.M.P.(MD)No.4421 of 2025

1. Ravichandran

2. Vasudhevan

3. Ganesh Babu

... Petitioner/Accused

Vs.

1. The State of Tamilnadu,
Rep by. the Sub Inspector of Police,
Town North Police Station,
Dindigul Taluk,
Dindigul District.
Crime No.84/2007

.... Respondent / Complainant

2. N.Vanji Muthu

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the impugned charge sheet in C.C.No.68 of 2011 on the file of the Judicial Magistrate No.II, Dindigul and quash the same in so far petitioners are considered.



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For Petitioners : Mrs. M.Benazir Begum

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)

For R-2 : Mr.V.Janakiramulu

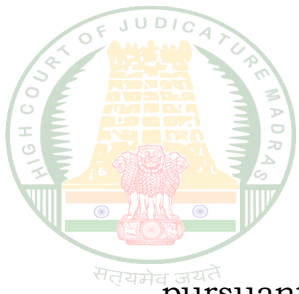
ORDER

Prologue:

The present Criminal Original Petition presents yet another instance where a long-drawn civil, statutory and possessory dispute concerning an immovable property has travelled into the criminal court in the form of allegations of theft of movable articles. The Court is, therefore, required to carefully separate what properly belongs to the realm of civil adjudication from what can legitimately constitute a criminal prosecution. The petitioners seek quashment of the proceedings in C.C.No.68 of 2011 pending on the file of the learned Judicial Magistrate No.II, Dindigul, for the alleged offences under Sections 380 and 414 IPC.

Case of the Prosecution:

2. The prosecution case is that the second respondent/*de facto* complainant lodged a complaint before the first respondent police,



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pursuant to which Crime No.84 of 2007 was registered on 19.01.2007 for the offence under Section 380 IPC.

3. According to the *de facto* complainant, on 11.08.2003, he had purchased a hotel known as “Hotel Swagath” from the petitioners for valuable consideration. It is further alleged that an order of ad-interim attachment relating to the said hotel, passed under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, was subsequently made absolute on 19.05.2003.

4. The further prosecution case is that on 02.09.2006, the hotel premises was locked and sealed. Thereafter, on 03.11.2006, pursuant to proceedings before the revenue authorities, the possession of Hotel Swagath was handed over to the petitioners. The petitioners are stated to have managed and administered the hotel from 03.11.2006 to 25.12.2006.

5. It is alleged that on 25.12.2006, the premises was again handed over to the *de facto* complainant in the presence of the



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Revenue Divisional Officer. According to the complainant, during the period when the petitioners were in management of the hotel, namely from 03.11.2006 to 25.12.2006, they had removed certain movable articles such as computer printer, generator, television, fridge, camera and other articles worth about Rs.1,50,000/-.

6. Upon completion of investigation, the first respondent police filed a final report in C.C.No.68 of 2011 before the learned Judicial Magistrate No.II, Dindigul, for the offences under Sections 380 and 414 IPC.

Grounds for Quash:

7. The petitioners seek quashment principally on the ground that the entire dispute arises out of rival claims relating to title, possession and management of Hotel Swagath and that the criminal prosecution is a colourable device to settle a civil dispute.

8. It is contended that the hotel property had already been subjected to attachment under the TNPID Act, 1997, and that, after



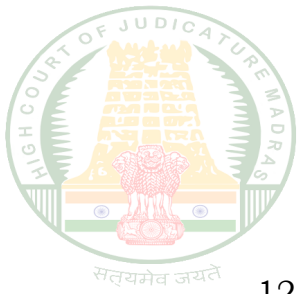
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such attachment, any transfer or alienation in favour of the *de facto* complainant was void in terms of the statutory scheme.

9. The petitioners further contend that the *de facto* complainant cannot claim ownership over either the hotel property or the movable articles lying therein, since his alleged sale deed dated 11.08.2003 is *void ab initio*.

10. It is further contended that the petitioners were the original owners of the hotel and the movable articles, and that one cannot commit theft of one's own property unless the prosecution clearly establishes that the property was in the lawful possession of another and that it was dishonestly removed from such possession.

11. It is also contended that the Revenue Divisional Officer had handed over possession to the petitioners on 03.11.2006 and, thereafter, on 25.12.2006, the premises was again handed over to the *de facto* complainant after verification of the articles available in the premises. Therefore, according to the petitioners, the allegation of removal of articles is inherently doubtful.



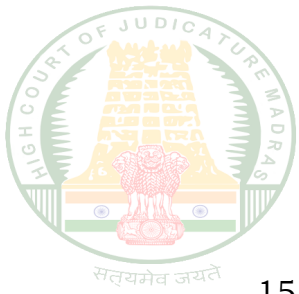
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12. The petitioners also rely upon subsequent proceedings before the TNPID Court, this Court and the Hon'ble Supreme Court, to contend that the *de facto* complainant's claim over the property was negated and he was relegated to appropriate civil remedies.

13. The petitioners further submit that there is unexplained delay in lodging the complaint, since the alleged removal had taken place between 03.11.2006 and 25.12.2006, whereas the complaint was lodged only on 19.01.2007. It is also contended that the criminal proceedings have remained pending for an unduly long period and continuation of the same would amount to abuse of process of Court.

Submissions on either side:

14. The learned counsel for the petitioners submitted that the prosecution lacks the essential ingredients of Sections 380 and 414 IPC. It was argued that the allegation is not one of theft simpliciter but is embedded in a complex civil and statutory dispute concerning title, attachment, possession and management of Hotel Swagath.



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15. The learned counsel submitted that the hotel and its fixtures originally belonged to the petitioners. The articles alleged to have been stolen, namely computer systems, television, generator, refrigerator, motor and allied articles, were part of the hotel establishment and were installed by the petitioners themselves.

16. It was further argued that the offence under Section 380 IPC requires dishonest removal of movable property out of the possession of another without consent. In the present case, the petitioners had been put in possession by the revenue authorities and, therefore, the element of dishonest removal from the possession of another is absent.

17. The learned counsel further submitted that once the offence of theft itself is not made out, Section 414 IPC cannot survive, because that provision necessarily presupposes the existence of stolen property.

18. It was further submitted that the *de facto* complainant's claim is founded upon a sale deed executed after the attachment



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proceedings under the TNPID Act, 1957. Referring to Rule 7 of the Tamil Nadu Protection of Interests of Depositors Rules, it was submitted that any transfer after attachment is null and void.

19. The learned counsel also submitted that the *de facto* complainant unsuccessfully pursued proceedings before the TNPID Court and this Court and that even the Hon'ble Supreme Court did not accept his claim, but only left him to work out his remedy before the civil Court. It was submitted that the civil suit filed by the *de facto* complainant also ended against him and, therefore, the entire foundation of the prosecution has collapsed.

20. On the question of maintainability, the learned counsel submitted that though earlier quash petitions had been filed, the present petition is founded upon subsequent developments and changed circumstances, including the outcome of proceedings before competent forums.

21. Per contra, the learned counsel for the second respondent/*de facto* complainant opposed the petition and



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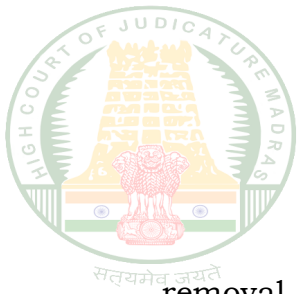
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submitted that the present petition is not maintainable in view of earlier quash petitions filed by the petitioners.

22. It was submitted that successive petitions under Section 482 Cr.P.C. cannot be entertained unless there are genuine subsequent developments. According to the *de facto* complainant, the petitioners are attempting to raise grounds which were available even earlier.

23. The learned counsel further submitted that the complaint does not merely relate to title over immovable property. The specific allegation is that during the period when the petitioners regained possession of the hotel, they removed thirteen movable articles worth about Rs.1,50,000/-.

24. It was further submitted that the *de facto* complainant had purchased the property under a registered sale deed and was in possession and management of the hotel. Therefore, the removal of articles from the premises amounted to theft. It was argued that disputed questions relating to possession, ownership of movables,



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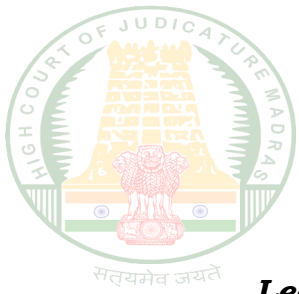
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removal of articles and intention cannot be decided in a petition under Section 482 Cr.P.C. and must be left to trial.

25. The learned Government Advocate (Criminal Side) adopted the submissions made on behalf of the *de facto* complainant and submitted that the final report contains statements of witnesses regarding removal of movable articles from the hotel premises. It was submitted that the final report specifically refers to thirteen articles allegedly removed by the accused persons and, therefore, the matter requires adjudication by trial.

Point for Consideration:

26. The principal point that arises for consideration is whether the final report in C.C.No.68 of 2011, alleging offences under Sections 380 and 414 IPC, discloses the essential ingredients of the said offences against the petitioners, or whether continuation of the proceedings would amount to abuse of process of Court?



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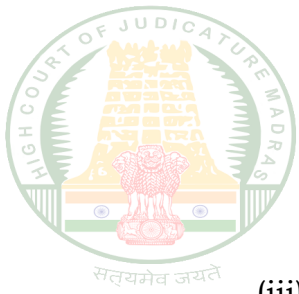
Legal Position:

27. The inherent jurisdiction of this Court under Section 482 Cr.P.C., corresponding to Section 528 BNSS, is intended to prevent abuse of process of Court and to secure the ends of justice. Though the power is extraordinary and must be exercised sparingly, the Court is not powerless where the allegations, even if accepted at their face value, do not constitute the offences alleged.

28. In proceedings seeking quashment of a final report, the Court does not conduct a mini trial. However, the Court is entitled to examine whether the uncontroverted allegations and the materials collected during investigation disclose the basic ingredients of the offences alleged.

29. The offence under Section 380 IPC is an aggravated form of theft. To attract Section 380 IPC, the prosecution must first establish theft as defined under Section 378 IPC. The essential ingredients are:

- (i) there must be movable property;
- (ii) such property must be in the possession of another person;



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(iii) the accused must move such property out of that possession;

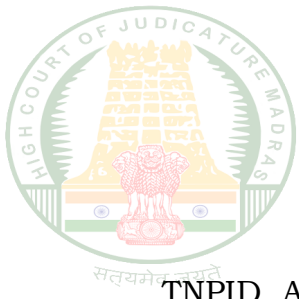
(iv) such moving must be without consent; and

(v) such moving must be with dishonest intention.

30. Section 414 IPC deals with voluntarily assisting in concealing, disposing of or making away with property which the accused knows or has reason to believe to be stolen property. Therefore, the existence of “stolen property” is the foundation for Section 414 IPC.

31. The allegation is that certain movable articles were removed from Hotel Swagath during the period between 03.11.2006 and 25.12.2006, when the petitioners were in management of the hotel.

32. The prosecution does not dispute that the petitioners were original owners of the hotel establishment. It is also not in serious dispute that the property was subject to proceedings under the



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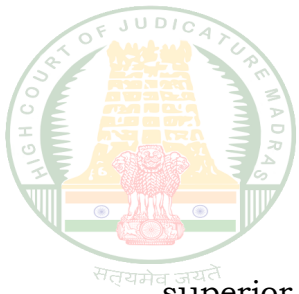
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TNPID Act and that possession of the hotel shifted between the parties pursuant to orders of revenue/statutory authorities.

33. Therefore, the case does not present a simple factual situation where an outsider entered into a building and removed articles belonging to another. On the contrary, the prosecution itself proceeds on the footing that the petitioners were in possession and management of the hotel during the relevant period pursuant to proceedings before the revenue authorities.

34. The essential ingredient of dishonest removal from the possession of another is, therefore, not clearly made out. Where the accused had been placed in possession of the premises by competent authority and the movables are claimed by him as part of his own hotel establishment, the matter partakes the character of a civil and possessory dispute.

35. The question whether the de facto complainant had title to the hotel, whether his sale deed was valid, whether he was lawfully entitled to the movable articles, and whether the petitioners had a



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superior claim over the same, are matters deeply entangled with civil and statutory adjudication. Such issues cannot be lightly converted into a charge of theft unless the final report contains clear material establishing dishonest intention at the very inception.

36. In the present case, the materials disclose a dispute over possession and entitlement, but do not disclose the necessary criminality required to sustain a charge under Section 380 IPC.

37. Section 414 IPC cannot stand independently in the absence of stolen property. The provision is attracted only when the property in question is shown to be stolen property and the accused voluntarily assists in concealing, disposing of or making away with such property, knowing or having reason to believe the same to be stolen. Once the allegation of theft itself is doubtful on the admitted factual foundation, the consequential allegation under Section 414 IPC cannot be permitted to survive as an independent charge.

38. The final report does not disclose any distinct act of concealment, disposal or making away with stolen property, apart



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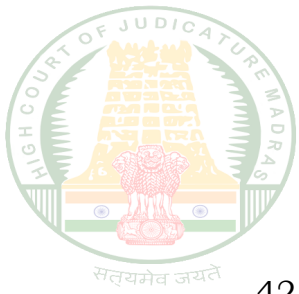
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from the very allegation of removal of articles. Therefore, Section 414 IPC is not independently attracted.

39. The materials placed before this Court indicate that Hotel Swagath was subjected to proceedings under the TNPID Act, 1997. It is also stated that the order of attachment was made absolute and that subsequent proceedings were pursued before the TNPID Court, this Court and the Hon'ble Supreme Court.

40. The petitioners contend that the de facto complainant's claim to title and possession was not accepted in those proceedings and that he was relegated to civil remedies. The de facto complainant, on the other hand, claims possession under a sale deed and asserts investment in the hotel.

41. These rival claims themselves demonstrate that the dispute is essentially one relating to title, possession, management and entitlement over the hotel and its movables. Criminal law cannot be used as a lever to decide such civil contests.

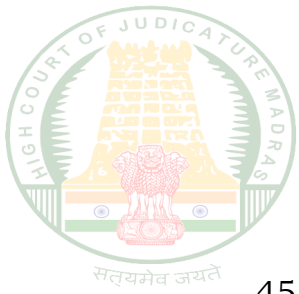


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42. It is true that the mere existence of civil proceedings is not a ground to quash criminal prosecution. If the allegations disclose criminality, the prosecution may proceed notwithstanding civil litigation. However, where the criminal allegation is only a dressed-up version of a civil dispute and the necessary ingredients of the penal offences are absent, this Court would be justified in exercising its inherent jurisdiction.

43. The alleged occurrence relates to the period between 03.11.2006 and 25.12.2006. The complaint was lodged on 19.01.2007. The final report was filed in the year 2011 and the case has remained pending for a considerable period.

44. Delay by itself may not always be fatal. However, in a case where the allegations are already intertwined with civil and statutory disputes, the unexplained delay assumes relevance in assessing whether continuation of the prosecution would serve any meaningful criminal justice purpose.

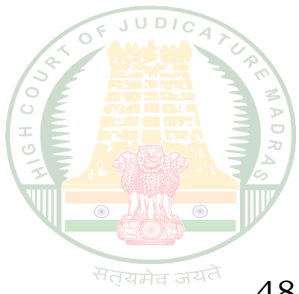


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45. The long pendency of the prosecution, without any substantial progress, also weighs with this Court, particularly when the foundational ingredients of the offences are found wanting.

46. The *de facto* complainant has raised an objection that the petitioners had earlier filed quash petitions and, therefore, the present petition is barred as a successive petition. It is settled that successive petitions under Section 482 Cr.P.C. cannot be entertained as a matter of routine. However, there is no absolute bar where subsequent developments or changed circumstances materially affect the substratum of the prosecution.

47. In the present case, the petitioners rely upon subsequent proceedings before the TNPID Court, this Court and the Hon'ble Supreme Court, as well as the dismissal of the civil claim asserted by the *de facto* complainant. These are not merely repetitive grounds but are relied upon to demonstrate that the foundation of the *de facto* complainant's claim over the property and movables has been seriously eroded.



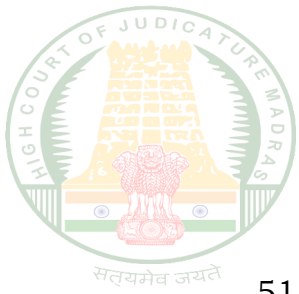
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48. Therefore, in the peculiar facts of the case, the maintainability objection cannot defeat the exercise of inherent jurisdiction when the Court finds that the continuation of prosecution would amount to abuse of process.

49. On a careful consideration of the allegations in the FIR, the final report, the rival submissions and the surrounding statutory and civil proceedings, this Court is of the considered view that the prosecution has failed to disclose the essential ingredients of Sections 380 and 414 IPC.

50. The materials disclose a long-standing dispute relating to Hotel Swagath, its attachment under the TNPID Act, possession, management, alleged sale deed and rival entitlement over movables. Such a dispute cannot be permitted to continue as a criminal prosecution for theft in the absence of clear averments of dishonest removal from the possession of another.

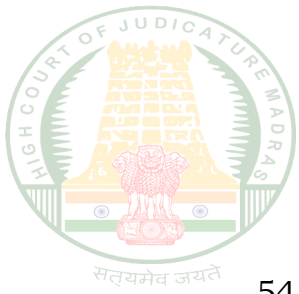


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51. The offence under Section 380 IPC is not made out. Consequently, Section 414 IPC also cannot survive, as there is no legally sustainable foundation to treat the articles as stolen property.

52. Continuation of the proceedings in C.C.No.68 of 2011, after such prolonged pendency, would amount to permitting criminal process to be used as an instrument of pressure in a civil and statutory dispute.

53. The criminal court is not a forum for settling every dispute clothed in the language of accusation. Where civil rights are uncertain, possessory claims are contested, statutory attachment has intervened and parties have travelled through multiple forums, the criminal law must enter only when the complaint unmistakably discloses a penal offence. It cannot be summoned to adjudicate title, validate possession or resolve competing claims over business assets. In the present case, the prosecution, even if taken at its highest, does not cross the threshold required for continuing a criminal trial for theft and concealment of stolen property.



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54. In the result, this Criminal Original Petition is **allowed**.
The proceedings in C.C.No.68 of 2011 on the file of the learned Judicial Magistrate No.II, Dindigul, arising out of Crime No.84 of 2007 on the file of the first respondent police, are quashed insofar as the petitioners are concerned. Consequently, connected miscellaneous petition is closed.

01.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Judicial Magistrate No.II,
Dindigul.
- 2.The Sub Inspector of Police,
Town North Police Station,
Dindigul Taluk,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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