



Crl.OP(MD)No.18633 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.O.P.(MD) No.18633 of 2025

and

CRL.M.P.(MD) No.15389 of 2025

Ramesh

... Petitioner

Vs

1.State of Tamil Nadu,
Represented by the Inspector of Police,
CCB, Madurai City, Madurai.
(Crime No.25 of 2024)

... 1st Respondent

2. Sahamulhag

... 2nd Respondent

PRAYER: Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the FIR in Crime No.25 of 2024 on the file of the first respondent police and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr. A. Banumathy

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

For R2 : Mr. M. Mohammed Meeran



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Crl.OP(MD)No.18633 of 2025

ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the First Information Report in Crime No.25 of 2024 on the file of the first respondent police, insofar as the petitioner is concerned.

Case of the prosecution:

2. The case of the prosecution, as borne out from the First Information Report and the materials placed on record, is that the *defacto* complainant and others had purchased certain plots bearing Nos.27, 28, 322 and 323 situated in Society Flats, Meenakshi Amman Nagar, Madurai.

3. It is alleged that the said properties were sold by the first accused, namely Sasikumar, along with other accused persons, namely Velan (A2), Paneer Selvam (A3), Kathiresan (A4), and another person who impersonated as Sivakumar.



Crl.OP(MD)No.18633 of 2025

WEB COPY

4. The prosecution case further proceeds on the footing that the accused persons, in furtherance of a criminal conspiracy, had created forged documents including fake Aadhaar Cards, PAN Cards, and fabricated title deeds, and by impersonation of the original owners, fraudulently sold the properties to the *defacto* complainant and others.

5. It is stated that on 13.06.2024, the *defacto* complainant came to know about the fraudulent nature of the transaction and the fabrication of documents, and consequently lodged a complaint before the first respondent police alleging a fraud to the tune of Rs. 1,70,00,000/-.

6. Based on the said complaint, the First Information Report in Crime No.25 of 2024 came to be registered for the offences under Sections 120B, 419, 420, 465, 467, 468, 471 and 474 IPC, corresponding to Sections 61(2), 319(2), 318(4), 336(2), 336(3), 340(2) and 339 of the Bharatiya Nyaya Sanhita, 2023.

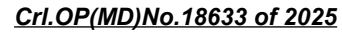


Crl.OP(MD)No.18633 of 2025

7. Initially, the name of the present petitioner did not find place in the FIR. However, during the course of investigation, by way of an alteration report, the petitioner was subsequently arrayed as Accused No.6.

Grounds for quash:

8. The learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case without any basis. It is submitted that the petitioner's name was not included in the original FIR and that his subsequent inclusion through an alteration report is arbitrary and unsupported by any material. The primary ground urged is that there is absolutely no specific overt act attributed to the petitioner either in the complaint, FIR, or even in the alteration report. It is further contended that the petitioner has no connection whatsoever with the alleged fraudulent transaction and that his implication is an abuse of the process of law.



9. The learned counsel appearing for the petitioner reiterated that the petitioner was not originally named in the FIR and that his subsequent inclusion is without any cogent evidence. It is further submitted that the absence of any specific allegation or overt act against the petitioner renders the continuation of the proceedings against him legally unsustainable.

10. The second respondent/defacto complainant has filed a counter affidavit. In paragraph No.3 of the counter affidavit, it is categorically admitted that at the time of registration of the FIR, the petitioner's name was not mentioned and no complaint was made against him. It is further stated that the petitioner was added as an accused only during the course of investigation through an alteration report.

11. Significantly, the second respondent has admitted that upon verification and enquiry, the petitioner does not have any direct role or active participation in the alleged transactions. It is also



Crl.OP(MD)No.18633 of 2025

stated in paragraphs 4 and 5 of the counter affidavit that the dispute between the parties has been amicably settled, the fraudulent transactions have been reversed, ownership has been restored to the rightful owners, and the monetary disputes have been resolved. In view of the same, the second respondent has expressed no objection for quashing the FIR insofar as the petitioner is concerned.

12. The learned Government Advocate appearing for the first respondent submitted that the inherent jurisdiction of this Court cannot be exercised selectively in respect of one accused, as such an exercise may have an impact on the ongoing investigation.

Point for consideration:

13. The point that arises for consideration in this case is whether the FIR in Crime No.25 of 2024 can be quashed insofar as the petitioner is concerned, in the absence of any specific overt act and in light of the admitted settlement between the parties?



Analysis:

14. This Court has carefully considered the rival submissions and perused the entire materials available on record.

15. A perusal of the First Information Report reveals that the petitioner was not originally named as an accused. His inclusion as Accused No.6 is only by way of a subsequent alteration report during the course of investigation. Even after such inclusion, no specific overt act has been attributed to the petitioner.

16. It is a settled principle of law that mere inclusion of a person as an accused, without any specific allegation or material, cannot justify the continuation of criminal proceedings. Further, the second respondent/*defacto* complainant himself has admitted in unequivocal terms that the petitioner has no direct role or active participation in the alleged offence.

17. The counter affidavit also discloses that the dispute between the parties has been amicably settled, the property has been



Crl.OP(MD)No.18633 of 2025

restored to the rightful owners, and the financial claims have been resolved. In such circumstances, the continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law.

18. Though the learned Government Advocate has raised an objection regarding selective quashment, this Court is of the considered view that when no *prima facie* case is made out against a particular accused, this Court is well within its jurisdiction to quash the proceedings insofar as such accused is concerned.

19. The inherent powers of this Court are intended to prevent abuse of process and to secure the ends of justice, and the present case squarely falls within such parameters. In view of the foregoing discussion, this Court finds that no *prima facie* case is made out against the petitioner and that the continuation of the proceedings against him would be unjustified.



Crl.OP(MD)No.18633 of 2025

WEB COPY

20. Accordingly, the First Information Report in Crime No.25 of 2024 on the file of the first respondent police is quashed insofar as the petitioner is concerned. This Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

20.01.2026

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

To

1. The Inspector of Police,
CCB, Madurai City,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.OP(MD)No.18633 of 2025

L.VICTORIA GOWRI, J.

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CRL OP(MD)No.18633 of 2025

20.01.2026