BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.21998 of 2025
& Crl.M.P.(MD)No.18917 & 18918 of 2025

K.A.Mahaboob Ali ... Petitioner

Vs.

1. The State of Tamil Nadu through,
The Inspector of POlice,
City Crime Branch,
Tirunelveli.
(Crime No.45 of 2012)

2.Seenivasan ... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records connected with the case in CC No.2696 of 2025 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same as illegal as against the petitioner.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the case in CC No.2696 of 2025 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

2. The petitioner is the fourth accused in this case. The first accused was working as the gold appraiser in the Indian Overseas Bank, Melapalayam Branch, Tirunelveli District and the defacto complainant was the Senior Regional Manager of the said bank.

3. The case of the prosecution is that on 16.03.2012, while LW7 along with LW8 inspected the pledged gold in the Bank, it was found that the first accused allegedly issued certificate for fake gold jewels to the tune of 29.180 grams as pledged by the petitioner herein on 11.02.2012 to the value of Rs. 50,000/-, and based on the complaint given by the de facto complainant, an FIR in Crime No.45 of 2012 came to be registered on 04.04.2012 for the offences under Section 409, 420 and 120(B) of IPC and the same culminated in laying the charge sheet in CC No.2696 of 2025 before the learned Judicial Magistrate No.I, Tirunelveli.

4. The learned counsel for the petitioner further submitted that the petitioner is in no way connected with the alleged occurrence and has been falsely implicated in the present case. It is contended that immediately upon registration of the case, the first accused had repaid the entire amount that had been transferred to the account concerned, which amount was allegedly obtained pursuant to the pledging of spurious jewellery.

5. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in the present case. The petitioner was residing opposite the concerned bank and had visited the said bank on 16.03.2012. At that point of time, the first accused is said to have requested the petitioner's passbook for perusal. Believing him, the petitioner handed over his passbook and passport to the first accused and thereafter received the same back. Other than that, he had no nothing to do with the offence and sought for indulgence of this Court by quashing the final report.

6. The learned Government Advocate appearing for the respondent police submitted that the petitioner and the second accused had colluded with the first accused, who was working as a gold appraiser in the concerned bank. It is contended that the first accused adopted a modus operandi of pledging

spurious jewellery as genuine gold, fabricating records relating to the gold loan transactions, and causing the loan amount equivalent to the mortgage value to be transferred to bank accounts arranged for the said purpose.

7. The learned Government Advocate appearing for the respondent police further submitted that, in the present case, the loan amount was not transferred to the bank accounts of the first accused, the second accused, or the petitioner herein. Instead, the accused persons are said to have withdrawn the loan amount directly from the bank by utilising the withdrawal slip facility and thereafter misappropriated the same.

8. It is further submitted that during the course of investigation, the first accused had given a confession statement admitting that he had colluded with the petitioner herein and others, pledged spurious gold ornaments as genuine, and misappropriated the loan amount obtained thereon. The learned Government Advocate also pointed out that the forensic report received from the laboratory confirms that the gold ornaments mortgaged were spurious in nature. On the strength of the said materials collected during investigation, it is contended that a prima facie case has been made out against the petitioner and therefore the present petition is liable to be dismissed.

9. It is brought to the notice of this Court that originally, the case was pending in C.C. No.310 of 2015. Since the petitioner had absconded, the matter could not proceed and, after a lapse of nearly ten years, the case was split up and cognizance was taken in C.C. No.2696 of 2025.

10. Heard the learned counsel on either side and carefully persued the materials placed before this Court. It is seen from the records that the second respondent / de facto complainant is no more and notice issued to him has been returned unserved. Considering the fact that the present petition is being dismissed and no adverse order is being passed against the deceased second respondent, this Court dispenses with notice to the second respondent.

11. Even though the learned counsel for the petitioner submitted that the entire amount transferred to the bank accounts arranged for the said purpose has subsequently been repaid to the concerned bank, this Court is of the considered view that such repayment, by itself, cannot be a ground to quash the criminal proceedings and that that nature of offence involved is an offence against common public at large.

12. The nature of the offence alleged is not a mere private dispute between individuals, but one that affects the banking system and, by extension, the public at large. Nationalised banks cater predominantly to the common public, particularly persons belonging to the lower and middle-income groups, who heavily rely upon gold jewellery loans during times of financial necessity. If officials or appraisers serving in such banks fail to discharge their duties in accordance with the service conditions and act, in collusion to facilitate fraudulent transactions, the same would undermine public confidence in the banking system and cause serious financial repercussions. Therefore, this Court is not inclined to interfere with the final report in exercise of its inherent powers under Section 482 Cr.P.C. The issues raised by the petitioner involve disputed questions of fact which can be adjudicated only during trial.

13. Accordingly, this Criminal Original Petition stands dismissed. However, considering the facts and circumstance of this case, the personal appearance of the petitioner before the Trial Court is ordered to be dispensed with, on conditions that the petitioner shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, 2023 and at the time of passing judgment and on all the hearings, specifically directed by the Trial Court.

14. The petitioner shall appear before the Court, in the event his presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of ***State of UP vs. Shambunath Singh***[1]. Accordingly, Crl.M.P.(MD)No.18918 of 2025 is allowed and connected miscellaneous petitions are closed.

06.01.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Inspector of POlice,
City Crime Branch,
Tirunelveli.

2.The Judicial Magistrate No.I, Tirunelveli.

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

1 2001 (4) SCC 667

L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.21998 of 2025

Dated
06.01.2026