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CRL OP(MD), No.4291 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

Reserved on : 22.09.2026

Delivered On : 01.10.2026

CORAM

THE HONOURABLE DR. JUSTICE P. MURUGAN

CRL OP(MD) No. 4291 of 2024
{CNR: HCMD010284622024}



Case
QR

and

CrI.M.P.(MD)No.3392 of 2024

Sundarapandian,
S/o K.R.Muruganandham,
No.26/11, Ram Nagar,
Sivagangai.

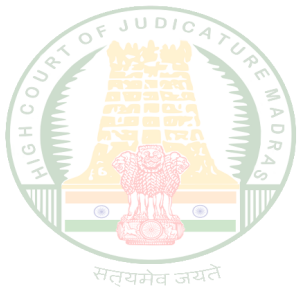
... Petitioner

Vs.

1. The Inspector of Police,
K.Pudur Police Station,
Madurai,
Cr.No.10/2024.

2. Geetha,
W/o Natarajan,
D.No.42, Muniyandi Kovil Street,
Jawaharpuram,
K.Pudur, Madurai.

... Respondents



CRL OP(MD), No.4291 of 2024

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For Petitioner : Mr.K.Vinoharan

For Respondents : Mr. C.Susikumar,
Government Advocate (Criminal Side)
for R1

: Mr.S. Suresh Manickam for R2

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceeding of the FIR in Crime No.10 of 2024 dated 12.01.2024 on the file of 1st respondent Police and quash the same in so far as the petitioner is concerned.

ORDER

Out of three accused in Crime No.629 of 2017 dated 12.01.2024 on the file of the first respondent, the second accused is before this Court in this quash petition, to quash the said F.I.R.

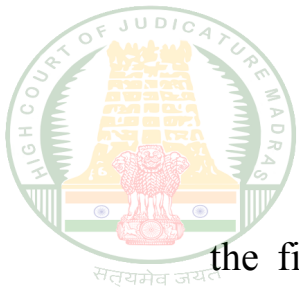
2. Bare facts as per the prosecution is as that the first accused owns Pawn shop. The second respondent pledged her jewels in the year 2018 for her daughter's marriage and obtained a sum of Rs.4,54,000/- (Rupees Four Lakhs Fifty Four Thousand only). The second respondent regularly paying interest for the said principal



CRL OP(MD). No.4291 of 2024

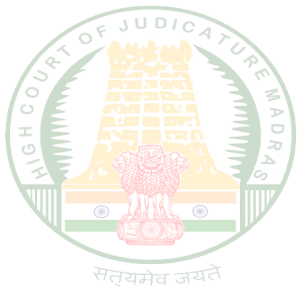
amount. She further alleged that on 05.09.2023, she went to the shop of the first accused to redeem the jewels by paying a sum of Rs. 8,00,000/- (Rupees Eight Lakhs only) towards the principal and interest, but the accused persons instead of returning the jewels, started to threaten the second respondent and abused her and stated that they would not return her Jewels. Therefore, she filed a complaint before the first respondent, which was registered in CrimeNo.10 of 2024.

3. The petitioner's case is as that he is a practicing Advocate at Sivagangai and he is no way connected with the alleged offences. The petitioner is the relative of one Murugaiah / first accused and he is helping him legally in the above dispute by rendering service as an Advocate. The second respondent with an evil intention has dragged the petitioner in the above complaint to stop the petitioner from rendering his service. The petitioner is no way connected with the affairs of the first accused's business. The petitioner's father, viz., Mr.K.R.Muruganandham, was once a Partner with the first accused and presently he is no more. The third accused, viz., Perumal was working as an Accountant in the shop of



CRL OP(MD), No.4291 of 2024

the first accused. The third accused in collusion with the second respondent has filed the F.I.R. The third accused stolen the jewels from the first accused and colluded with the second respondent. Hence, the first accused filed a complaint before the first respondent as well as before the Magistrate Court under Section 156(3) of Cr.P.C. The second respondent admitted before the first respondent police that she has pledged the fake jewels and she will return the money in few days and the same was recorded in writing before the first respondent police. The petitioner in his capacity as an Advocate helping the first accused to proceed legally. The second respondent, with an intention to restrict the service of the petitioner, filed the F.I.R in including the petitioner as an accused. It is an abuse of process of law. The petitioner is practicing at Sivaganga and the alleged occurrence took place at Madurai. The petitioner played no other role except helping the first accused in legal proceedings. Even then the complaint on face of it would not make out any criminal offence. There is no criminality either by cheating or otherwise the FIR is only to harass the petitioner at the influence of high officials.



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4. The grounds raised in the petition is as that:

(i) The F.I.R was filed on baseless and vague allegations:

(ii) To attract the offence under Section 420 of I.P.C, there must have been deception at the very inception of the contract. In the F.I.R, there is no contract between the petitioner and the second respondent;

(iii) The petitioner has no concerns about the first accused's business and he has no role in the alleged occurrence;

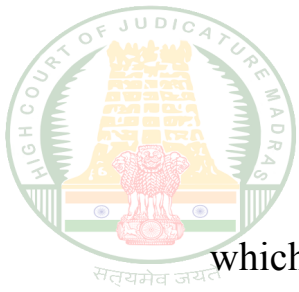
(iv) There is no specific overt act against the petitioner; and

(v) Therefore, the F.I.R is to be quashed.

5. Heard both sides. Perused the records. Considered the submissions raised by both sides.

6. The point for consideration is as to whether the quash petition is liable to be allowed or not?

7. The learned counsel for the petitioner submitted that, the petitioner being an Advocate, has been wrongly roped in and he is no way connected with the business. Though there was a business transaction between the second respondent and the first accused, in



CRL OP(MD), No.4291 of 2024

which the third accused and the second respondent colluded with each other to cause loss to the first accused. The petitioner was only helping the first accused in his legal proceedings for preferring a complaint and taking the case forward, and the second respondent roped in the petitioner. Therefore, this quash petition is to be allowed.

8. The learned Government Advocate (Criminal Side) cited the Hon'ble Supreme Court Full Bench decision in ***M/s Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and Ors.*** in Criminal Appeal No.330 of 2021, dated 13.04.2021, in which the Hon'ble Supreme Court, on considering the earlier decisions in large number and culled out the principles emerged therein, holding that quashing power should to be exercised sparingly, with circumspection and it has been observed in the rarest of rare cases and the Court should not go into the merits and demerits of the allegations and the police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint / F.I.R. does not deserve to be investigated or that it amounts to abuse of process of



law. After investigation, the investigating agency finds that there is no substance in the complaint made by the complainant, the investigating officer may file an appropriate report before the Judicial Magistrate in accordance with the known procedure.

9. The learned counsel for the second respondent submitted that the second respondent pledged the jewels with the first accused in the year 2018. She is not aware of the relationship between the second accused's father and his brother Murugaiah and she went to the first accused office on 05.09.2023 to redeem the jewels. At that time, all the three accused in the F.I.R has threatened the second respondent by abusive words and told that they would not return the jewels, thereby, Section 420 of I.P.C is attracted. Therefore, the petition is liable to be dismissed.

10. The second respondent set the criminal law in motion by filing a complaint on 12.01.2024, pursuant to which a case was registered as Crime No. 10 of 2024 under Section 420 of I.P.C.. There are three accused and the petitioner is arrayed as the second accused. As per the F.I.R, which has been extracted in the preceding paras, the second respondent pledged her jewels to the first accused



CRL OP(MD), No.4291 of 2024

and obtained a sum of Rs.4,54,000/- (Rupees Four Lakhs Fifty Four Thousand only) for her daughter's marriage. She also paid interest then and there. When she went to the first accused's shop on 05.09.2023, to redeem the jewels by paying Rs.8,00,000/- (Rupees Eight Lakhs only) towards the principal and interest, the accused persons 1 to 3 threatened the second respondent and abused her stating that they would not return her jewels. Thereby pownee was cheated by pawner, that is the first accused and other co-accused/ A2 and A3, she filed an first information, which is attracted under Section 420 of I.P.C and the same was registered in Crime No.10 of 2024 on 12.01.2024 at the first respondent office.

11. The case of the petitioner, who is the second accused, is that he is a practicing Advocate before the Courts, wherein in the petition, he stated that he is a practicing Advocate at Sivagangai and he is no way connected with the alleged offence. Further he also stated the alleged occurrence took place at Madurai, wherein he is practicing in Sivagangai. Therefore, the case against the petitioner is false one. The petitioner also filed certain documents, which is also verified to consider whether the fact that the petitioner is an



CRL OP(MD), No.4291 of 2024

Advocate in Sivagangai or before the Madurai Bench of Madaras High Court and the District Court, Madurai. The quash petition has been filed by the petitioner counsel on 11.03.2024, in which the petitioner has given vakalat to the advocate on 10.03.2024.

12. On perusal of the typed set of papers filed by the petitioner, it reveals that the first accused has given complaint to the first respondent against the third accused/Perumal, Ponnalagu, Meyyappan and the second respondent / Geetha on 05.09.2023 that the second respondent herein, who was the fourth respondent in that complaint has pledged with duplicate jewels. The third accused / Perumal and the second respondent in this case has given a statement on 05.09.2023 before the first respondent, wherein, the third accused stated that the second respondent has given a duplicate jewels, in which, the third accused agreed that the third accused and the second respondent would settle the amount of Rs.19,00,000/- (Rupees Nineteen Lakhs only) to the first accused.

13. The statement of the second respondent dated 05.09.2023 reveals that she also admitted that she would return the money to the first accused, wherein the version of the third accused



CRL OP(MD), No.4291 of 2024

that she had pledged the duplicate jewels. These two statements of the third accused and the second respondent is a computer printed version of clear copy but there is no signature of the person. To compare the printed version copy, there is no document attached in this case that the third accused and the second respondent has given such statement by executing that letters. Further the first accused filed a complaint before the Judicial Magistrate No.VI, Madurai, in Crl.M.P.No.74 of 2024 under Section 156 (3) of Cr.P.C. against the third accused and the second respondent for the offences under Sections 294(b), 379 and 506 (ii) I.P.C.

14. Further, the records attached to the typed set of papers reveal that the first respondent police submitted a report before the learned Judicial Magistrate No. VI, Madurai, in Crl.M.P. No. 74 of 2024, dated 03.01.2024, stating that the complaint lodged by the second respondent had been registered as Crime No. 10 of 2024 under Section 420 of I.P.C. The said report further discloses that the third accused and the second respondent had given statements before the first respondent police, wherein they stated that the first accused and others had obtained their signatures under threat of dire



CRL OP(MD), No.4291 of 2024

consequences and that both the third accused that the second respondent had agreed to settle the amount payable to the first accused.

15. Further documents attached in the petition reveals that the second accused, who is an Advocate sent a complaint to the Commissioner of Police, Madurai, in which the petitioner / second accused given his address is as No.6, Law Chamber, District Court Complex, Madurai – 20. The petitioner stated that he has been practicing before the District Court, Madurai and Madurai Bench of Madras High Court since 24 years. He made certain allegations against the police officials, wherein, the police officials demanded money to file a case as against the second respondent, otherwise they would not file a case.

16. His complaint reveals that his father K.R.Muruganandham was a former Government Advocate and former Member of Legislative Assembly. The petitioner's paternal uncle Murugaiah/A1 and his father K.R. Muruganandham started pawn broker business as Partners at Door No.14, Ganapathy Servai Street, K.Pudur, Madurai City, in the name and style of “Tiruppathi



CRL OP(MD), No.4291 of 2024

Pawn Brokers”. After the petitioner's father died on 21.10.2021, the petitioner is taking the administrative control over the said “Tiruppathi Pawn Brokers”. The petitioner and the first accused decided to close the pawn broker shop. At that time, the third accused, who was working as the Cashier and was in charge of the said pawn broker shop, allegedly colluded with the second respondent and pledged duplicate jewels, thereby looting and causing loss of the petitioner's money. Aggrieved by the said acts, the petitioner lodged a complaint before the Commissioner of Police, Madurai. When the petitioner appeared before the local police at first respondent, they demanded money of Rs.50,000/- (Rupees Fifty Thousand only) as bribe. Therefore, filed a complaint before the Commissioner of Police. The said complaint was given on 05.03.2024.

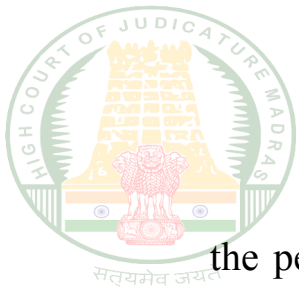
17. As per the petitioner's complaint given on 05.03.2024, reveals that his father Muruganandham and his paternal uncle Murugaiah / A1 were running pawn broker shop as Partners and after his father demise, he is taking care of the administrative control of the pawn shop. That complaint to the Commissioner of Police



CRL OP(MD), No.4291 of 2024

reveals that he is a practicing Advocate before the District Court, Madurai and the Madurai Bench of Madras High Court. Contrary to the 05.03.2024 complaint to the Commissioner of Police, Madurai, in the quash petition, he is averred that he is a practicing Advocate before the Sivagangai District and he is no way connected to the Madurai. The said statement cannot be acceptable, wherein the petitioner given Sivagangai address at No.26/11, Ram Nagar, Sivagangai and the quash petition was signed and filed before this Court on 11.03.2024, whereas the earlier complaint dated 05.03.2024 was given before the Commissioner of Police, Madurai that the petitioner stated that he has been running his office at No.6, Law Chamber, District Court Complex, Madurai – 20, which is earlier one and both the statements are contrary to each other.

18. This Court is of the firm view that the complaint dated 05.03.2024 before the Commissioner of Police, Madurai, in which, the petitioner has stated that he is practising as an Advocate before the District Court of Madurai and the Madurai Bench of the Madras High Court and that he is having his law chamber at the District Court Complex, Madurai. However, the records would disclose that



CRL OP(MD). No.4291 of 2024

the petitioner has also been practising before the Sivagangai Court and is residing at Sivagangai. Therefore, the petitioner appears to have made a false statement regarding his place of practice and residence for the purpose of maintaining the present quash petition.

19. The grounds raised by the petitioner in the quash petition is as that he is no way connected to the “Tiruppathi Pawn Brokers”, wherein only the first accused is running and the petitioner is helping the first accused on his legal issue. But, the petitioner's complaint dated 05.03.2024 given before the Commissioner of Police reveals that the said “Tiruppathi Pawn Brokers ” business was running by the petitioner's father K.R. Muruganandham, who was the former Government Advocate and former Member of Legislative Assembly along with his own brother Murugaiah/ A1 for the past 24 years as Partners. After the demise of the petitioner's father, the petitioner is taking care of the administrative control of “Tiruppathi Pawn Broker” along with his paternal uncle Murugaiah.

20. The petitioner has stated that his father is a shareholder in “Tiruppathi Pawn Broker” and that, as admitted in the complaint dated 05.03.2024, he was taking care of the administrative affairs



CRL OP(MD), No.4291 of 2024

and management of the said business. During the course of such management, it was allegedly found that the third accused/Perumal, had colluded with the second respondent, pledged duplicate and forged jewels, and thereby caused financial loss to “Tiruppathi Pawn Broker”. Consequently, the petitioner lodged a complaint before the police. However, it is alleged that the police demanded money from the petitioner for registering the complaint against the third accused and the second respondent. It is further submitted that the petitioner has no manner of connection whatsoever with the alleged transactions or the acts attributed to the third accused and the second respondent. Hence, the complaint lodged against the petitioner is devoid of any factual or legal basis and does not disclose his involvement in the alleged occurrence.

21. The case against the petitioner is that the second respondent went to the pawn broker shop on 05.09.2023 to redeem here jewels, at that time, all the accused abused her and threatened her and stated that they would not return her jewels when she was ready to pay Rs.8,00,000/- (Rupees Eight Lakhs only) towards the principal and interest. When the pawn transaction was found to have



been fraudulently dealt with by the pawner, the petitioner, who was also attending to the day-to-day administrative affairs of “Tiruppati Pawn Broker”, after demise of his father, the petitioner continued to look into the affairs of the said pawn broker business. It is further stated in the complaint that all the accused threatened the second respondent and told that they would not return her jewels. It amounts to a matter beyond the relationship between the pawnee and the pawnor, as they could not redeem her jewels even after paying the amount.

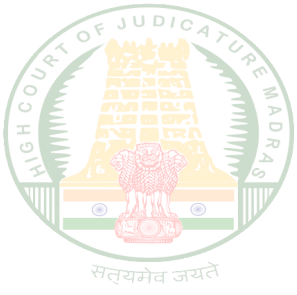
22. The petitioner stated that the third accused colluded with the second respondent and in this regard they have filed a complaint before the police authority, which is pending. Whether the second respondent has pledged the original jewels or forged one is not a matter in this case. When the pawnee urged the pawner to return the borrowal amount and redeem the jewels, naturally, the pawner would have returned the jewels to pawnee upon receiving the money. Having not been in a position to return the jewels, it amounts to cheating in *prima facie*. Therefore, the grounds raised by the petitioner that he is no way connected with this case, and he is



CRL OP(MD), No.4291 of 2024

only helping the first accused on his legal issue cannot be accepted that the second respondent roped the petitioner which is an invented ground to try to escape from the clutches of law. The petitioner being an Advocate, taking care of his father's business, after his demise, he is also responsible for the alleged offence stated in the F.I.R.

23. In view of the above factual aspects admitted by the petitioner, based that typed set of paper, it is concluded that the petitioner is doing pawn broker business with his paternal uncle first accused. As per the information submitted by the second respondent that all the three accused persons in the Pawn Broker shop found on 05.03.2023, when she was ready to return the money to redeem the jewels, all the accused threatened and told that they would not return the jewel. Therefore, *prima facie*, an offence under Section 420 of the I.P.C. is made out, subject to the result of the investigation. Therefore, all the grounds are baseless and devoid of merits and the same is liable to be dismissed. The point is answered against the petitioner.



CRL OP(MD), No.4291 of 2024

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24. In the result, this Criminal Original Petition is dismissed.

The first respondent is directed to expedite the investigation in Crime No.10 of 2024 and file a final report before the jurisdictional Magistrate Court within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Index:Yes/No

01.10.2026

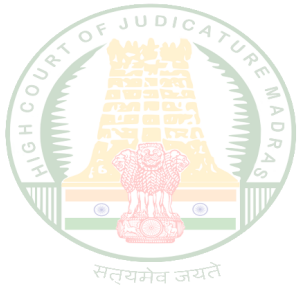
NCC:Yes/No

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TO

1. The Inspector of Police,
K.Pudur Police Station,
Madurai,

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



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CRL OP(MD), No.4291 of 2024

DR. P.MURUGAN,J.

LS

**Pre- delivery order made in
CRL OP(MD) No.4291 of 2024**

01.10.2026