

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II

Present: C.DINESH KUMAR B.A.LL.B(Hons)., LL.M.,

Judicial Magistrate No.II, Dindigul

On Wednesday, the 1st day of July 2026

C.R.M.P.No. 2389/2025

CNR.NO. TNDG03-005454-2025



1. Moideen Kutti,
S/o.Mohamad Pallipath,
VIII/968 A, Sri Kandapuram,
Kannur Post,
Kerala.

2. M. Muneer.
S/o. Mohamad Pallipath,
VIII/968 A, Sri Kandapuram,
Kannur Post,
Kerala.

... Petitioner/ Accused

/ Vs./

The Inspector of Police,
District Crime Branch,
Dindigul.

... Respondent

This petition has been filed U/s. 268 of BNSS on 19.08.2025 seeking the relief for discharging Petitioner / Accused counsel Thiru.A.Selvam, M.A.,M.L., Advocate, Issued notice to concerned Police. Reply received and on considering the contention raised by both sides and on perusal of case records, this court delivers the following.

ORDER

This is a petition filed by the petitioner U/s. 268 of BNSS., seeking the relief for discharging Petitioner/A1, A2 from this case.

The facts stated in the petition is as follows:-

1. It is stated in the petition filed by the petitioner that, the case of the prosecution is that, the defacto complainant is running the vegetable business at

Oddanchatram and the petitioner's/ A1, A2 had approached the complainant to supply vegetables to the export the same to Doha at Qatar, and the Petitioner /A1, A2 had failed to make the payment of Rs.1,42,90,739/- for the supplied vegetables during the period of 2016 to 2017 and hence the police had filed the final report in Crime No.8/2019 for the offences U/s.120(b), 406, 420, 506(1) of IPC against the petitioners/ A1, A2.

2. It is further stated in the petition that, the ingredients for the sections mentioned in the charge sheet is not made out against the petitioner/ A1, A2 and the prosecution had failed to produce any documents for money transactions and there is no any evidence to prove that, and it further contented that, the defacto complainant had paid all the amount and there is no any due and moreover this dispute is the civil nature and there is no any prima facie case against the petitioner/ A1, A2. And the defacto complainant had lodged the false complainant and thus prayed to discharge the Petitioners/ A1, A2 from the offence U/s. 120(b), 406, 420, 506(1) of IPC

Hence this petition is filed before this court.

Inspite of sufficient opportunity given, counter not filed by the prosecution, but the oral argument heard by the prosecutor.

Heard both side and Perused the records.

The point for consideration is whether this petition has to be allowed or not?

3. From the material records placed before this court by the prosecution, It is found that the main contention of the petitioner is that, there is no any material evidence to show that the Petitioner/ A1, A2 was in connection to this crime and charges mentioned in the final report is not made out against the Petitioner/A1, A2 and there is no evidence to show that money transaction and to be paid to complainant and there is no any specific overt act against the Petitioner / A1, A2 and there is no prima facie case against the A1, A2 in this crime.

4. After hearing of both sides and perusing the material records placed before this court by the prosecution, and statement U/s.161(3) of the witnesses, this court is of opinion that based on the above said contention, this court cannot come to conclusion that, there is no any ground to proceed against the accused. Though the matter is appeared to be like the civil nature but whether the above said money is transacted for the purchase of vegetables and whether there is any contract between the parties and whether there is any due amount to be paid by petitioner and whether there is the criminal breach of trust or the conspiracy between the Petitioner/A1, A2 in order to cheat the defacto complainant would be revealed and proved only if trial is conducted and the contention of the Petitioners / A1, A2 could be proved only through the corroborative documents and at this stage, this court cannot decide whether the offence against Petitioner / A1, A2 had proved or not and moreover it would amount to conducting a mini trial at this stage. While being so at this stage this court cannot come to conclusion that there is no ground to proceed against the A1, A2. Hence this court comes to conclusion that, all the above said contention had to be decided only on the trial.

Accordingly this petition is Dismissed

This order being dictated, typed, corrected and pronounced by me in open court this the 1st day of July 2026.

Judicial Magistrate No.II
Dindigul.