



CrI.RC.No.655 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Order 11.04.2023	Date of Pronouncing Order 19.04.2023
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CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

CrI.RC.No.655 of 2023

R.Ravi, M/A 53 years
S/o.Ramasamy
D.No.35, Natarajapuram
2nd Street, Namakkal Taluk
Namakkal District.

... Petitioner

Vs.

1.State, Rep. by
The Inspector of Police
Namakkal Police Station
Namakkal

2.Venkatesh
S/o.Rajendran
D/o.74/44, Sivaji Street
Attur Town and Taluk
Salem District.

... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., against the order dated 28.02.2023 made in CrI.MP.No.6606 of 2022 on the file of the Judicial Magistrate I, Namakkal.



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For Petitioner : Mr.J.Jayan

For Respondent : Mr.R.Vinoth Raja (for R1)
Government Advocate

O R D E R

This Petition has been filed against the order dated 28.02.2023 made in Cr1.MP.No.6606 of 2022, on the file of the learned Judicial Magistrate I, Namakkal.

2.The Complainant is the Revision Petitioner, working as Special Sub Inspector of Police in Tamil Nadu Police Department at Namakkal District. While things being so, on 17.09.2022, the Petitioner received a legal Notice from an Advocate Viz., M.Vinoth stating that he has obtained a loan for a sum of Rs.7,00,000/- from the 2nd Respondent and for the said debt, the Petitioner issued a cheque bearing Number 021300 drawn at State Bank of India at Namakkal branch to the 2nd Respondent. He does not aware of the 2nd Respondent and the Petitioner does not have any iota of transaction with him in earlier occasion.

3.Aggrieved by the said Notice, reply also issued by the Petitioner. Upon



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acquiring the knowledge that the Petitioner's cheque has been stolen and misused by the 2nd Respondent, the Petitioner immediately on 20.09.2022 lodged a complaint as against the 2nd Respondent before the 1st Respondent Police and thereafter, sent the complaint/detailed representation to the District Superintendent on 27.10.2022 and to the Police Officials, who were received the same and failed to take action as against the claim of the Petitioner pertains to the stolen cheque misused by the 2nd Respondent. Thereafter in view of no proper investigation scrutinized by the Police Officials, the Petitioner preferred an Application u/s.156(3) of Cr.P.C., before the learned Judicial Magistrate I, Namakkal in Cr1.M.P.No.6606 of 2022 and on refusal to take the Petition on file by the trial Magistrate, this Revision.

4.Heard the learned counsel for the Petitioner and the learned Government Advocate.

5.Learned counsel for the Petitioner would contend that the learned Judicial Magistrate ought to have ordered for proper investigation on the claim of the Petitioner, even though there is no proper evidence that how the



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Petitioner's cheque went to the 2nd Respondent, the same has to be found out by the 1st Respondent in their investigation.

6.After hearing the learned counsel for the Petitioner, the Government Advocate draw my attention to the finding given by the learned Judicial Magistrate at paragraph No.4 of the impugned order. On perusal of the typed set of papers along with order passed by the trial Court, I find that the Defacto Complainant/Respondent has issued a legal notice for dishonour of cheque to the extent of Rs.7,00,000/-, the Revision Petitioner herein, who is Special Sub Inspector has moved a private complaint alleging that the 2nd Respondent herein has misused his cheque and created a cheque as if the value of cheque is Rs.7,00,000/- and presented the cheque before the bank and got the bouncing order of return of cheque and is proposed to initiate 138 proceedings before the competent court. He alleged that on acquiring the knowledge that the Petitioner's cheque was stolen and misused, he preferred the complaint to District Superintendent on 27.10.2022, since there was no action by the District Superintendent, he had presented the application under Section 156(3) of Cr.P.C.



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7. Based upon the sworn statement, the learned Judicial Magistrate I, Namakkal has observed that the Revision Petitioner has not stated that his cheque was stolen or misplaced and he is not stated, to whom the cheque was given. All he could state in his sworn statement is based on somebody's ill-advice, someone has misused the cheque, trying to take advantage of the cheque. He has not deposed as to how his cheque has gone to the hands of the person, who had issued the legal notice and hence, he found that the complaint is bereft of details and accordingly rejected the request of registration of FIR.

8. After hearing the learned Government Advocate and perusing the trial court's order, I find that the Revision Petitioner is crying, before being hit. In fact, in anticipation of his cheque dishonour case against him, before the learned Magistrate, he has come forward with the plea, however, without bereft of details. Hence, the trial Court has rightly rejected the case of the Revision Petitioner, who is working of Special Sub Inspector in Pallipalayam Police Station, Namakkal. It is open to the Petitioner to raise all these pleas by way of defense before the Special Magistrate Court for dishonour of cheque, if the case



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has instituted against him.

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9.The complaint in CMP.No.6606 of 2022, does not disclose any cognizable offences and hence I am not inclined to admit the Criminal revision Petition. In this view of the matter, order passed by the learned Judicial Magistrate I, Namakkal, for the reasons stated supra is well considered and well merited and does not warrant any interference of this Court.

10.In fine, with the above observation, this Petition is Dismissed at the admission stage itself.

19.04.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

sai

To

1.The learned Judicial Magistrate I,
Namakkal.

2.The Public Prosecutor,
High Court,
Chennai.



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Order made in

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Dated: 19.04.2023