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Crl.R.C.No.1724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1724 of 2023

B.Santhosh

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Tirupattur District.

2.M.Kumaravel

3.A.S.Faisal Zamal

4.Pavan Jewellery,
Proprietor – Dharmichand,
No.14, Bamboo Mandi Street,
Ambur – 635 802,
Tirupattur District.

5.K.Gajendiran

6.Y.Ilayaraja

7.Ramanan

8.R.Sakthivel



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9.S.Sabarinathan

10.Yashvanth Kumar

11.P.Mohan

12.Pradeeban

13.R.Chandhru

... Respondents

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for records made in C.M.P.No.4273 of 2023 dated 22.08.2023 passed by the learned Additional District Munsif cum Judicial Magistrate, Ambur, Thirupathur District, quash the same as illegal and to direct the first respondent to register the above complaint and investigate the same.

For Petitioner : Mr.V.Iniyavan

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This revision petition is filed against the order passed by the learned Additional District Munsif cum Judicial Magistrate, Ambur, Thirupathur District in C.M.P.No.4273 of 2023 dated 22.08.2023.



2.The petitioner lodged a complaint with the respondent police and the Superior Officers on various occasions stating that the cheque book comprising of 40 cheque leaves was found missing from 01.03.2022. The petitioner immediately contacted the Branch Manager, Tamil Nadu Mercantile Bank, Ambur Branch on 06.03.2023 and informed about the missing cheque book. Thereafter, from 11.04.2023, the petitioner had been receiving short messages from the Bank about the dishonour of cheques running to several lakhs as if the petitioner had issued cheques to 12 different names. The petitioner had no business transactions with any of the persons named in the complaint and the cheques were not issued in discharge of any liability. Further, on the advice of the Branch Manager, the petitioner deposited a sum of Rs.10,000/- to activate his current account. Despite the complaint given by the petitioner, no action has been taken by the police. Thereafter, the petitioner filed a petition under Section 156(3) before the Trial Court in C.M.P.No.4273 of 2023. The Trial Court, by order dated 22.08.2023, dismissed the petition for the reason that there was a delay in lodging the complaint.



3.Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor appearing for the first respondent.

4.Considering the facts of the case and on perusal of the materials, it is seen that the petitioner lost his cheque book on 01.03.2023 and he informed the same to the Branch Manager, Tamil Nadu Mercantile Bank, Ambur Branch on 11.04.2023. The petitioner has been receiving short messages about the dishonour of cheques. Again the petitioner approached the Branch Manager, who had directed the petitioner to deposit a sum of Rs.10,000/- to make his account active. As on 21.06.2023, the petitioner received 12 messages with regard to dishonour of cheques which runs to several lakhs starting from 11.04.2023 to 26.04.2023. Since the amount involved in the dishonour of cheques was individually more than Rs.5,00,000/-, the local Police initially refused to take action. Thereafter, the petitioner approached the Deputy Commissioner of Police. Despite the same, since no action has been taken, the petitioner approached the Trial Court. The Trial Court dismissed the complaint for the reason that there was a delay in lodging the complaint and the petitioner was unable to give



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the details about the 12 persons who deposited the cheques. In view of the same, this Court is of the opinion that if the petitioner faces any proceedings under Section 138 of the Negotiable Instruments Act, he shall raise all these grounds before the Trial Court and if needed, he shall seek for forensic examination under Section 45 of the Indian Evidence Act to prove his innocence. Therefore, this Court does not find any reason to interfere with the order passed by the Trial Court.

5. Accordingly, the Criminal Revision Petition stands dismissed.

12.10.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

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To

- 1.The Inspector of Police,
District Crime Branch,
Tirupattur District.
- 2.The Additional District Munsif cum Judicial Magistrate,
Ambur, Thirupathur District
- 3.The Public Prosecutor,
High Court, Madras.

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