





WEB COPY

2. The sum and substance of the allegation in the complaint is that one Rajagopal was due to pay a sum of Rs.9,67,000/- to the petitioner and towards discharge of his liability, he had issued two cheques and the said cheques were misused by the first accused, who was employed under the petitioner and made it appear that cheques were issued in his favour and presented the same and hence, the first accused is liable for the offence under Sections 403, 407, 408, 420 and 424 of the Indian Penal Code.

3. The learned Magistrate, on perusal of the complaint and other evidences on record and on hearing the respondents found that the respondents also had transactions with Rajagopal and Rajagopal had admitted in his reply to the statutory notice sent by the respondents that he had issued the cheques to the respondents and therefore, dismissed the complaint filed by the petitioner.

4. This Court, on perusal of the impugned order finds that the learned Magistrate has considered the question as to whether the cheques said to have been issued by the said Rajagopal have been misused by the respondents. On facts, the learned Magistrate found that Rajagopal himself



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had admitted in his reply to the statutory notice that cheques were in fact issued to the respondents. In such circumstances, it cannot be said that the cheques were issued in favour of the petitioner and misused by the respondents. However, if the petitioner is aggrieved by any non-payment of his dues by the said Rajagopal, it is needless to say that it is open to him to pursue the remedy available in law against Rajagopal. Hence, impugned order does not suffer from any infirmity and accordingly, the same deserves to be dismissed.

5. In the result, this Criminal Revision Case is dismissed.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.1, Poonamallee.



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SUNDER MOHAN, J

mvs.

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