



Crl.R.C.No.1876 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1876 of 2024

K.Palanisamy

... Petitioner

Vs.

1.Deputy Superintendent of Police,
Namakkal District.
Tamil Nadu – 637208.

2.Inspector of Police,
Vellur Police Station,
Tamil Nadu-637208.

... Respondents

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of BNSS,
to set-aside the order dated 15.10.2022 in Cr.M.P.No.2718 of 2022 on the
file of the Judicial Magistrate, Paramathy, U/s 156(3) r/w 200 of Cr.P.C and
to allow the above Criminal Revision.

For Petitioner : Mr.M.Loganathan

For Respondents : Mr.S.Balaji,
Government Advocate (Crl. Side)



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ORDER

This revision challenges the dismissal of the order, dated 15.10.2022 in Crl.M.P.No.2718 of 2022 passed by the learned Judicial Magistrate, Paramathy on the petition filed by the petitioner under Section 156(3) Cr.P.C.

2.The allegation in the complaint is that the petitioner had issued blank promissory notes to one Balasubramaniam while obtaining loans from him on several occasions; that in spite of repayment of loan amount, the said Balasubramaniam refused to return the promissory notes and had handed over the same to two different persons, with whom the petitioner has no connection and that the said two persons have filed suits by misusing the promissory notes.

3.The learned Magistrate dismissed the petition under Section 156(3) Cr.P.C stating that the very issue which is subject matter of the complaint is pending before the Civil Court and the defence that is sought to be taken in the Civil Court has been projected as a criminal complaint; and that no cognizable offence is made out.



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4.Since the petitioner has admitted the issuance of blank promissory notes, the question as to whether it was misused has to be decided by the Civil Court as no cognizable offences have been made out. In view of the above, this Court finds no infirmity in the impugned order, dated 15.10.2022 in Crl.M.P.No.2718 of 2022 passed by the learned Judicial Magistrate, Paramathy and the same is confirmed. Accordingly, this Criminal Revision Case is dismissed.

5.It will be open to the petitioner to raise all the defences before the Civil Court. It is needless to say that if the Civil Court finds that the promissory notes have been misused, further action can be taken by the Civil Court.

06.11.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No

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SUNDER MOHAN, J.

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To

- 1.The Judicial Magistrate,
Paramathy.
- 2.The Deputy Superintendent of Police,
Namakkal District.
Tamil Nadu – 637208.
- 3.The Inspector of Police,
Vellur Police Station,
Tamil Nadu-637208.
- 4.The Public Prosecutor,
Madras High Court.

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