



*Crl.R.C.No.519 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Varadharajan

... Petitioner

Vs.

1. The Superintendent of Police,  
Office of District Superintendent of Police,  
Kallakuruchi.

2. The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Kallakuruchi.

3. The Inspector of Police,  
Kallakuruchi Town Police Station,  
Kallakuruchi.

4. N.Udhayan Adhithya  
M.D.R.N.Law Association,  
No.7D, Seetharam Nagar,  
Kallakuruchi – 606 202.

... Respondents

**PRAYER:** Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the impugned order dated 05.12.2024 passed by the learned Judicial Magistrate-I, Kallakuruchi in Crl.M.P.No.5129 of 2024 and allow the revision petition.



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For Petitioner : Mr.M.Venkadesh Kumar  
For Respondents :  
For R1 to R3 : Mr.A.Gopinath  
Government Advocate  
For R4 : No appearance

### **ORDER**

This Criminal Revision has been preferred challenging the order dated 05.12.2024 passed by the learned Judicial Magistrate-I, Kallakuruchi, in Crl.M.P.No.5129 of 2024, thereby dismissing the petition filed by the petitioner under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking direction for registration of FIR.

2. On perusal of the complaint lodged by the petitioner, it is revealed that the petitioner involved in a crime on the file of the CBCID Police, Kallakuruchi. In pursuant to the registration of FIR, the petitioner was arrested and remanded to judicial custody. Further, the fourth respondent received a sum of Rs.8,71,000/- from the family members of the petitioner to file a bail petition for the petitioner. However, the petitioner did not even file any petition for bail. After completion of 92 days, the petitioner came out from the prison on the ground of mandatory bail. Thereafter, the petitioner lodged complaint before the Bar Council of Tamilnadu and the service of the fourth respondent



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was suspended for the period of six months with fine of Rs.10,000/- by the Bar

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Council. Therefore, the fourth respondent came along with his colleagues and threatened the petitioner with dire consequences. Immediately, the petitioner lodged complaint on 12.06.2024 and the same was not considered by the third respondent. Hence, the petitioner filed petition before the trial Court under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, to register the FIR. The learned Magistrate dismissed the complaint on the ground that there is no *prima facie* case made out for the offence under Section cheating and others.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served on the fourth respondent, no one is appeared on behalf of the fourth respondent either by person or through pleader.

4. Admittedly the fourth respondent met the family members of the petitioner and received money to the tune of Rs.8,71,000/- for filing of bail petition on behalf of the petitioner. However, the fourth respondent failed to file any petition for bail. Therefore, the *prima facie* case is made out to constitute the offences including breach of trust and cheating. Therefore, the order passed by the trial Court cannot be sustained and is liable to be set aside.



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5. Accordingly, the order dated 05.12.2024 passed by the learned Judicial Magistrate-I, Kallakuruchi, in Crl.M.P.No.5129 of 2024, is hereby set aside. The third respondent is directed to register the FIR as against the fourth respondent on the complaint lodged by the petitioner and proceed with the investigation in accordance with law.

6. With the above directions, the Criminal Revision Case stands allowed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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1. The Judicial Magistrate-I,  
Kallakuruchi.
2. The Superintendent of Police,  
Office of District Superintendent of Police,  
Kallakuruchi.
3. The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Kallakuruchi.
4. The Inspector of Police,  
Kallakuruchi Town Police Station,  
Kallakuruchi.
5. The Public Prosecutor,  
Madras High Court,  
Chennai.



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**G.K.ILANTHIRAIYAN. J.**

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