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CRL RC No. 1199 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1199 of 2024

AND

CRL MP NO. 10239 OF 2024 & 10320 of 2024

1. S.V.Ramesh

S/o.Swamynathan

2.Sivakami Ramesh

W/o.S.V.Ramesh, No.2a, Kamadhenu,
Old No.8, Binny Road, Poesgarden,
Chennai - 86, Presently Residing At,
No.5, 4th Street, Gopalapuram, Chennai
- 600 086.

Petitioner(s)

Vs

1. State By

Inspector Of Police, Central Crime
Branch, Edf-i, Team Ii, Vepery,
Chennai-7

2.Mr Kutraleeshwaran

S/o S V Ramesh 2110 Whatstone Way
Prosper Texas-USA
(R2 Suo Motu Impleaded As Per Order
Dt 29/08/2024 In Crl Rc No 1199/2024)

Respondent(s)

**PRAYER**

This Criminal Revision Petition filed under Section 397 read with Section 401 of Cr.P.C., prays to Call for the records in C.C.No.8303/2022, on the file of the Hon'ble Metropolitan Magistrate for exclusive trial of CCB cases and CBCID metro cases, EGMORE and set aside the Order passed in the Discharge Application in CrI.M.P.39774/2022 dt 12.01.2024 and discharge the both the Petitioners of all the alleged offences in C.C.No.8303/2022, on the file of the Honble MM for exclusive trial of ccb cases and CBCID metro cases, EGMORE, Chennai.

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For Petitioner(s): S.V. Pravin Rathinam

For R1: Dr.C.E.Pratap
Government Advocate (Crl.Side)
For R2: Mr.M.L.Joseph
for M/s.Chennai Law Associates

ORDER

The petitioners are the parents of the defacto complainant. They are challenging the impugned order passed by the trial Court in CC.No.8303 of



2022 on the file of the Metropolitan Magistrate for exclusive trial of CCB cases and CBCID Metro Cases, Egmore, and have filed this revision.

2. Before the trial Court, the petitioners filed an application seeking their discharge from the proceedings, as they were arrayed as A2 and A4. Admittedly, the defacto complainant is the son of the petitioners. He lodged the complaint, based on which an FIR was registered in crime No.226 of 2021 on 13.12.2021 is that the defacto complainant Mr.Kutraleeswaran's earnings sent from abroad were misused by his elder brother Mr.Balaji Veerabadran and his wife who are the 1st and 2nd accused and the petitioners, who are the parents supported him, and have not helped to get back the amount from 1st accused. Aggrieved by this, the petitioners filed an application to discharge them from the proceedings, stating that they acted only as power holders of the defacto complainant and had dealt with his properties within the scope of the Power of Attorney. They further submitted that they had not breached any of the limitations nor misappropriated any funds belonging to the defacto complainant. Therefore, they prayed to be discharged from the proceedings.



3. However, the defacto complainant objected, stating that while he was employed abroad, he used to send money to his parents' NRI account, and all the funds were misappropriated by them along with his elder brother, Balaji (A1). He claimed to have prima facie material evidence to substantiate this allegation, including proof of RTGS transactions.

4. Considering these objections, the trial Court dismissed the discharge application, holding that there is prima facie material against the petitioners, and since a final report had been filed, the matter cannot be decided without a proper trial.

5. The petitioners raised several grounds in their revision petition.

(i) The defacto complainant's allegation against their elder son Balaji that he had threatened him in 2019, that the petitioner would be arrested if he visited India for income tax violations is totally false and baseless. It is submitted that the defacto complainant made two visits, one during March-April of 2019 and the 2nd visit during August, 2019 which was a much publicized visit,



commemorating his 25th year of Swimming across the “English channel”. A lot of media interactions and meetings with celebrities were arranged by the 1st petitioner herein. The 1st petitioner is his un-paid PRO for the last 30 years. The fact remains, the family has always looked forward for the annual visits of the defacto complainant. The defacto complainant has regularly visited India for a family vacation atleast once a year since 2003 barring 2020 due to the pandemic.

(ii). The defacto complainant despite regularly buying and selling properties, was always wary of filing income tax returns and paying the necessary taxes. The defacto complainant was pulled up by the income tax department regularly since July, 2017, for transactions carried out from the year 2010 onwards and it is the 1st petitioner and his elder son Mr.Balaji. V the 1st accused who represented the defacto complainant in numerous income tax hearings. The learned Magistrate failed to consider that his complaint is totally vague and baseless and Section 406 and 420 of IPC will not attract when the actual facts of the case are totally manipulated or reversed only for the purpose of filing the complaint. The defacto complainant to hide his mistakes of not



filing his tax returns has arrayed his own family members as accused including his mother and father to blame the entire faults on them.

(iii) The petitioners submit that the learned Trial Judge failed to consider that, on going through the entire records, there is no charges made out as against the petitioners herein and even assuming that without admitting the allegations in the FIR as well as in the charge sheet to be true, it would not attract the offences as alleged against them. The learned trial Judge failed to note that the investigating officer did not apply her mind and had come to a conclusion that the petitioners can be subject to prosecution of the offences alleged in the absence of any material.

(iv) The 1st petitioner and his father had settled all the joint family properties inherited by them to the 1st accused and the defacto complainant equally without retaining anything for him and his wife.

(v) The petitioner submits that the learned trial Judge failed to consider that the allegations found in the FIR, under section 161 of Cr.P.C., statements of witnesses and the charge sheet filed by the police against the petitioners do not make out any offence against the petitioners herein.”



6. The learned counsel for the petitioners submitted that, in order to attract Section 420 IPC, there must be incriminating material to show that the petitioners, with dishonest intention, cheated the defacto complainant. As of now, the counsel for the defacto complainant/respondent No. 2 has submitted that he sent money via RTGS to the accounts of his parents and had also given them Power of Attorney, which was allegedly misused by them. He has produced phone call records and evidence of how he sent the amounts to his parents as well as to his brother.

7. Whether the petitioners acted within the scope of the Power of Attorney or violated its terms, and whether they, along with A1, dishonestly misappropriated the funds of the defacto complainant, are all matters that need to be adjudicated during trial. Mere allegations are not sufficient for acquittal, and these issues can only be determined after a full-fledged trial.

8. Therefore, the order passed by the trial Court requires no interference. However, considering that the petitioners are senior citizens, their personal



appearance before the trial Court is dispensed with. They shall appear as and when specifically required by the Court. Therefore, Crl.M.P.No.10320 of 2024 is ordered accordingly.

9. The learned counsel for the petitioners also submitted that they have a valid source of income and that they are contesting the allegation regarding the money transfers made by the defacto complainant. They assert a valid defence in this regard. Liberty is granted to them to raise all such defences before the trial Court.

10. With the above direction, this Criminal Revision petition is disposed of. Consequently, connected miscellaneous petition is closed.

16-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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The Inspector of Police, Central Crime
Branch, Edf-i, Team Ii, Vepery,
Chennai-7

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S/o S V Ramesh 2110 Whatstone Way
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3. The Metropolitan Magistrate for
exclusive trial of CCB cases and
CBCID metro cases, Egmore, Chennai.



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T.V.THAMILSELVI J.
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