



Crl.R.C.No.1525 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1525 of 2023

S.Venkatesan

... Petitioner

..VS..

State Rep. by
The Inspector of Police (Crime),
E-3, Teynampet Police Station,
Teynampet, Chennai – 600 049.

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order of the lower Court in Crl.M.P.No.6462 of 2023 dated 21.04.2023 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and direct the respondent to register the FIR on the complaint dated 16.08.2022.

For Petitioner : Mr.M.Selvin
For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The Criminal Revision petition has been filed against the order dated 21.04.2023 passed in Crl.M.P.No.6462 of 2023 by the XVIII



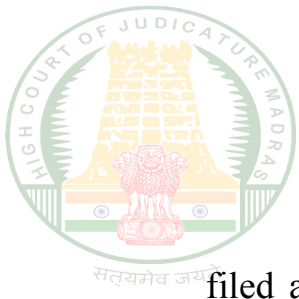
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Metropolitan Magistrate, Saidapet, Chennai and to direct the respondent-

Police to register the FIR on the complaint dated 16.08.2022.

2. Learned counsel for the petitioner submitted that the petitioner intended to travel to United States of America and he approached the All India Travel Agency (Madurai) at their office at Chennai. The petitioner had paid a sum of Rs.2,96,400/- for purchasing flight tickets. When the petitioner attended to verify the flight tickets through online, but no result was found regarding the details of tickets, and finally it came to the knowledge of the petitioner that the tickets in possession of the petitioner, were rank forgeries. Subsequently, on enquiry, the Directors of the said Company agreed the forgery and also agreed to return the entire amount and issued post-dated cheques, *vide* cheque Nos.638270 and 638291. When the petitioner presented the cheques for encashment, it was dishonoured and returned with an endorsement 'the company applied insolvency'. Thus, the petitioner lodged a complaint before respondent-Police and sent a postal complaint to the Deputy Commissioner of Police. Since no action was forthcoming, the petitioner



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filed a complaint invoking Section 156(3) Cr.P.C., in Crl.M.P.No.6462 of 2023 before the Court below. The learned Magistrate, without application of mind, dismissed the petition on 21.04.2023 by holding that the complaint was filed after the agreement was entered into between the parties and *prima facie*, no commission of cognizable offence under criminal case is made out as against the proposed accused.

3. Learned Additional Public Prosecutor appearing for the first respondent-Police, on instructions, submitted that soon after commission of the offence, the petitioner did not file the complaint immediately. However, the petitioner lodged the complaint after obtaining the cheques from the accused and after entering into an agreement for re-payment. Since he could not succeed in the said transaction, he filed the complaint. As no *prima facie* commission of cognizable offence under criminal case is made out as against the proposed accused, the learned Magistrate concerned has rightly dismissed the petition.

4. On a perusal of the records, it is seen that, soon after



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commission of the offence, the petitioner did not file the complaint immediately, instead of filing the complaint, he approached the accused for repayment of the amount. The proposed accused also issued two post-dated cheques in favour of the petitioner. Soon after obtaining the cheques, the petitioner did not present the cheques for collections and did not initiate any proceedings under Section 138 of the Negotiable Instruments Act. In the meantime, the proposed accused applied insolvency proceedings. Since the petitioner thought that he could not get the cheque amount due to insolvency proceedings, he lodged the complaint in the year 2022. Admittedly, the occurrence took place in the year 2019 itself, whereas, the complaint was preferred only in the year 2022. The petitioner has no intention to take criminal action against the proposed accused, and his only intention is to collect the amount from the proposed accused. The learned Magistrate has rightly dismissed the petition on the ground that *prima facie*, no commission of cognizable offence under criminal case is made out as against the proposed accused. There is no merit in the revision petition and the same is liable to be dismissed.



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5. Accordingly, this Criminal Revision Petition is dismissed.

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However, the petitioner is at liberty to work out his remedy before the insolvency proceedings.

12.03.2025

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Case Citation : Yes / No

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To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police (Crime),
E-3, Teynampet Police Station,
Teynampet, Chennai – 600 049.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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