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Crl.R.C.No.1531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1531 of 2023

R.Balamurugan

... Petitioner

Vs.

1.Power Soap Limited (Corporation)
R.S.No.94/1, Sembiyapalayam Village,
Embalam Main Road, Korkadu Post,
Puducherry – 605 110.

2.Dhanapal

3.Sanjay Madhan

4.P.Rajendran

...Respondents

PRAYER: Criminal Revision Case filed under Section 438 of the BNSS, praying to set aside the order passed in C.C.No.5 of 2016 by the learned Judicial Magistrate No.II, Mettur, dated 02.08.2023 and pass such further orders.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.P.Ezhil Nilavan



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ORDER

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The petition challenges the order passed by the learned Magistrate dismissing the petitioner's complaint and discharging the respondents in the complaint filed for the offence under Sections 405, 406, 420 r/w 107, 109 of IPC.

2. The gist of the allegation in the complaint filed by the petitioner is that the third respondent herein had sought a loan from the petitioner; that believing the third respondent, the petitioner had advanced money on various dates from 20.01.2011 to 10.09.2012 for a total sum of Rs.18,46,943/-; that at the instance of the third respondent, the said amounts were credited to the account of the first respondent herein, which is a company; and that in order to evade repayment, the respondents had created false invoices and made it appear as though the payments were made towards purchase of goods (sulphuric acid) by the petitioner, and therefore the respondents are liable for the offences alleged in the complaint.

3. The learned Magistrate, recorded the evidence prior to framing of charge, since cognizance was taken on a private complaint and found that the offences alleged had not been made out and accordingly discharged the



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respondents. Aggrieved by the said order, the present petition has been filed.

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4. Learned counsel for the petitioner would submit that the allegations in the complaint clearly make out the offences alleged; that the question as to whether the respondents had created false invoices or committed acts of forgery ought to have been examined only after a full-fledged trial; that the learned Magistrate erred in discharging the respondents by holding that the dispute is civil in nature; and therefore the impugned order is liable to be set aside.

5. Learned counsel for the respondents, per contra, would submit that the learned Magistrate had properly appreciated the depositions of the witnesses examined on behalf of the petitioner; that no prudent person would ordinarily grant a loan in instalments, particularly when it is the case of the petitioner himself that the third respondent had sought financial assistance for construction of his house; that the alleged loan amount tallies with the invoices raised by the first respondent; that if at all the third respondent had sought a personal loan, there was no reason whatsoever for the payments to be credited to the account of the first respondent company, wherein the third



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respondent was working as a General Manager; and that considering all these aspects, the order passed by the learned Magistrate does not suffer from any infirmity and warrants no interference.

6. It is the case of the petitioner that he had advanced a sum of Rs.18,46,943/- on various dates at the instance of the third respondent and that the said amounts were credited to the account of the first respondent. Firstly, this allegation is improbable, inasmuch as there is no plausible explanation as to why, for a loan allegedly sought by the third respondent in his personal capacity, the amounts were credited to the account of the first respondent, which is a company.

7. Secondly, the amounts were credited on various dates between 20.01.2011 and 10.11.2012; and admittedly, the total amount credited comes to Rs.18,46,943/-. The respondents had marked Exs.D1 to D8, which are invoices, and the said invoices tally with the payments credited to the account of the first respondent. It is also not in dispute that the petitioner is engaged in the business of sale of magnesium sulphuric acid and was also running a business concern by name “Shree Sakthi Chemicals”.



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8. Considering all these facts and circumstances, the learned Magistrate found that the complaint filed by the petitioner is groundless and that there is no sufficient material to proceed further against the respondents. This Court finds no infirmity in the said order.

9. Accordingly, this criminal revision petition stands dismissed.

cda

11.12.2025

Index : Yes/No

Speaking Order/Non Speaking Order

To

The Judicial Magistrate No.II,
Mettur.



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SUNDER MOHAN, J.

cda

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