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Crl.RC.No.1208 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1208 of 2025
and Crl.M.P.Nos.14466 & 14468 of 2025

Harikrishnan

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Naduveerapattu Police station,
Cuddalore District.
(Cr.No.476/2021)

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 and 442 of Cr.P.C. to set aside the order passed in Crl.M.P.No.2231/2025 in C.C.No.429/2024 dated 27.06.2025 dismissed by the learned Judicial Magistrate No.I, Cuddalore, thereby allow the Criminal Revision Petition.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.A.Gopinath

Government Advocate (crl.side)

ORDER



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This Criminal Revision has been filed as against the order passed in

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Crl.M.P.No.2231/2025 in C.C.No.429/2024 dated 27.06.2025 dismissed by the learned Judicial Magistrate No.I, Cuddalore, thereby dismissed the petition to discharge the petitioner.

2. The petitioner is arrayed as the third accused in the charge sheet filed by the respondent in C.C.No.429/2024 alleging that the first and second accused owe to pay a sum of Rs.1.04 Crore. However, they failed to return the money and also threatened the *de facto* complainant with filthy language and with dire consequences.

3. On a perusal of the statement of the *de facto* complainant recorded under Section 161(3) of Cr.P.C. reveals that the petitioner is the father of the first accused. Except the said relationship absolutely there is no other allegation as against the petitioner to charge him for the offences punishable under Section 420 IPC. It is also curious to note that the petitioner is the father-in-law of the *de facto* complainant. Therefore, he has been falsely implicated as an accused without any material to charge him for the offences as alleged by the prosecution. However, without considering the same the



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trial Court mechanically dismissed the petition. In order to frame the charges, there is no sufficient material available to make out a *prima facie* case against the petitioner. Therefore, the order passed by the trial Court cannot be sustained and the same is liable to be set aside.

4. Accordingly, this Criminal Revision Case is allowed and the order order passed in Crl.M.P.No.2231/2025 in C.C.No.429/2024 dated 27.06.2025 on the file of the learned Judicial Magistrate No.I, Cuddalore, is hereby set aside. The petitioner is discharged from all the charges in C.C.No.429/2024 on the file of the Judicial Magistrate No.I, Cuddalore. Connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The Judicial Magistrate No.I, Cuddalore.

2. The Inspector of Police,
Naduveerapattu Police station,
Cuddalore District.

3.The Public Prosecutor
High Court, Madras.

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