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CRL RC No. 1211 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1211 of 2025

AND

CRL MP NO. 14477 OF 2025

K.Jagan
S/o. Shri. Kanagaran,
No.277/1, CTH Road,
Thirumullaivoyal, Chennai 62.

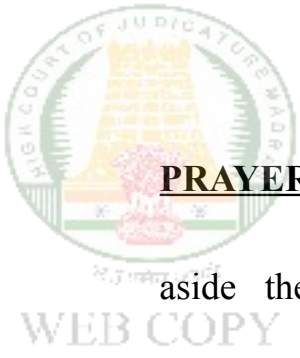
Petitioner(s)

Vs

1. The State rep by
The Inspector of Police, DCB,
Kancheepuram District.
Crime No.10 of 2024.

2.Usha
D/o.Chittilingam,
No.4/27B, Annasalai,
Gurusamy Nagar, Housing Board,
Sevilmedu post, Kancheepuram.
(R2 is impleaded as per the order of this
court dated 08.09.2025 in
Crl.MP.No.16805 of 2025 in
Crl.RC.No.1211/2025)

Respondent(s)



PRAYER: Criminal Revision Petition filed under Section 442 of BNSS, to set aside the order dated 30.06.2025 made in Crl.MP.No.521 of 2025 in C.C.No.133 of 2024 on the file of JM. NO.1, Kancheepuram and consequently allow the discharge petition.

For Petitioner(s): Mr.B.Manoharan

For Respondent(s): Dr.C.E.Pratap
Government Advocate for R1
Mr.P.G.Thiyagu for R2

ORDER

This Criminal Revision petition has been filed to set aside the order dated 30.06.2025 made in Crl.MP.No.521 of 2025 in C.C.No.133 of 2024 on the file of JM. No.1, Kancheepuram and consequently allow the discharge petition.

2. The petitioner has filed petition, being Crl.M.P.No.521 of 2025, under Section 262 of BNSS, seeking to discharge the petitioner in Crime No.10 of 2024 for the alleged offence under Section 406 & 420 IPC on the file of Kanchipuram, District Crime Branch, which was dismissed by the trial Court



vide order dated 30.06.2025. Challenging the same, the petitioner has filed the present revision.

3. The case of the prosecution is that the de facto complainant is in the business of selling rice and crops in wholesale from the year 2020. The petitioner had approached the de facto complainant and informed that he is running OMG Mart Rice shop and explained the terms and conditions to the petitioner for business transactions and to pay the bill within 30 days from the date of delivery and to handover the cheque regarding to the bill amount. The de facto complainant delivered 5149 rice bags to the petitioner and the total amount would comes to Rs.54,03,565/-. Subsequently, the petitioner has paid a small amount to the de facto complainant on the day of collection every month and thereafter, he cheated the de facto complainant. Hence, the de facto complainant lodged a complaint and based on the said complaint, an FIR came to be registered in Crime No.10 of 2024 under Section 420 of IPC. After completing the investigation, the first respondent has laid charge sheet before the jurisdictional Court by altering charges under Sections 406 and 420 of IPC.



The jurisdictional Court has taken cognizance of the case in C.C.No.133 of 2024.

4. Pending C.C.No.133 of 2024, the petitioner has filed petition to discharge him from all the above charges. The learned Judicial Magistrate, after considering the rival submissions, dismissed the discharge petition. Aggrieved by the said order, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that the relationship between the petitioner and the de facto complainant is pure contractual basis, and there is no deception for the petitioner to cheat the de facto complainant. It is also submitted that criminal colour has been given to a Civil dispute and the law enforcement agency is used for the purpose of recovering the money. In support, the learned counsel for the petitioner has relied upon the following decisions of the Hon'ble Supreme Court:

- (i) Ashok Kumar Jain v. State of Gujarat and another, 2025 SCC OnLine SC 998.



(ii) Manish v. State of Maharashtra and another, SLP (Criminal) No.10931 of 2022, dasted 02.4.2025.

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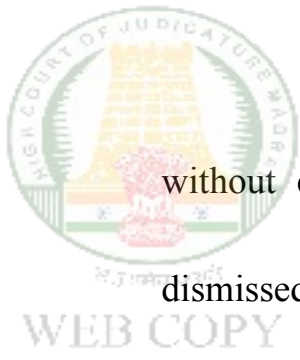
By relying upon the ratio laid in the aforesaid decisions, the learned counsel for the petitioner submitted that the petitioner has to be discharged from the case.

Therefore, he prays for allowing this petition.

6. The learned counsel for the 2nd respondent submits that there was no such company run by the petitioner-accused. Further, he submitted that, the only intention of the petitioner-accused is to get the amount from the 2nd respondent. Therefore, for the alleged offence, the 2nd respondent has filed a complaint and also submitted that there is a *prima facie* material also available to prove his case.

7. Heard both sides and perused the materials available on record.

8. The grievance of the petitioner is that the ingredients set out in Section 420 IPC do not find place in the complaint. Further, learned Judicial Magistrate



without considering the fact and the settled law on his own presumption dismissed the discharge petition. It is also the submission of the petitioner that a civil case is given criminal colour and no trial proceeds warranted in the aforesaid C.C.No.133 of 2024.

9. Per contra, it is the submission of the learned counsel for the second respondent that the petitioner cheated the second respondent, she has filed the complaint and after completion of the investigation, the first respondent has filed the final report for the offences punishable under Sections 406 and 420 IPC.

10. It appears that the petitioner has filed a civil suit in O.S.No.174 of 2023 against the de facto complainant for permanent injunction restraining her, her men, agents, subordinates or anybody under her in any manner from interfering or entering or disturbing her peaceful possession and enjoyment of the suit schedule property under the guise of collecting money without due process of law before the District Munsif Court, Ambattur and the said suit is



pending.

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11. The learned Judicial Magistrate, upon considering the submissions made by learned counsel for the petitioner and the de facto complainant and also upon considering decisions relied upon by the respective counsel, observed that the petitioner has not repaid the amount and he had an intention at the initial stage to deceive the de facto complainant and that as per the direction of the High Court, the Court is proceeding to conduct the trial.

12. Considering the submissions made by learned counsel on either side, this Court does not find any illegality and/or infirmity in the order passed by the trial Court. That apart, there is no material available for discharging the petitioner and the learned Judicial Magistrate has also rightly observed so in his order. Further, on a careful reading of the decisions relied upon by the learned counsel for the petitioner, the said decisions would not support the case of the petitioner. In case, if any defence is available, the petitioner is entitled to raise the same before the trial Court.



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13. In the result, the Criminal Revision case is dismissed. The trial Court is directed to conduct the trial as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed.

24-09-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

1. The Inspector of Police, DCB,
Kancheepuram District.

Crime No.10 of 2024.

2. The Judicial Magistrate, No.I, Kancheepuram.

3. The Public Prosecutor,
Madras High Court, Chennai.



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T.V.THAMILSELVI J.

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