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CRL RC No. 2072 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2072 of 2025

SURESHKUMAR

Son of P.Devaraj,
No.21/12, Bharathiyar Street Ext,
Lakshmipuram, Kolathur,
Chennai - 600099.

Petitioner(s)

Vs

State rep by,
Inspector of Police, M-3, Puzhal Police
Station, Puzhal, Chennai - 600066.

Respondent(s)

PRAYER

To set aside the order dated 4.3.2025 in CRL.M.P.No.628 of 2023 on the file of the District Munsif cum Judicial Magistrate Madhavaram and consequently direct the Respondent to register a case based on the Petitioner's complaint dated 22.03.2025.



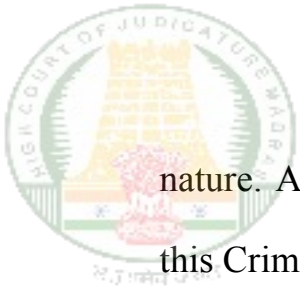
For Petitioner(s): Mr.R.Sachithanandan

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)

ORDER

Challenging the impugned order dated 04.03.2025 passed by the District Munsif cum Judicial Magistrate, Madhavaram in Crl.M.P.No.628 of 2023, the petitioner/complainant preferred this Criminal Revision Petition.

2. According to the petitioner, one Tamilkumaran and Raghunathan are his friends. They sustained loss in the business, for that, they need a sum of Rs.10,00,000/- and agreed to repay within three months. So, in order to develop their business, the petitioner gave a sum of Rs.10,00,000/-, for that as a security, they gave a sale agreement in respect of house belong to one Tamilkumaran. Thereafter, both were absconded and also not repaid the amount paid by him. Wife of Tamilkumaran viz., Kalaiselvi and Raghunathan's mother Shanthi also not inclined to settle the issue and though they were aware of the address of two persons, they never disclosed. All these days, the petitioner was dragged from pillar to post to get back the amount. Hence, he gave a complaint before the respondent police, but no action was taken. Accordingly, he filed a private complaint before the trial court in Crl.M.P.No. 628 of 2023, but the trial court dismissed the petition holding that on seeing the facts of the case, it is civil in



nature. Aggrieved over the said findings, the petitioner/complainant preferred this Criminal Revision Case.

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3. The learned counsel for petitioner would submit that by giving false representation, the accused Tamilkumaran and Raghunathan received a sum of Rs.10,00,000/- from him and they have also promised to induct him as one of the partners in garments business, but they were absconded and amount was also not paid. To that effect, he has submitted prima facie materials before the trial court, but the same was not taken into consideration and erroneously dismissed the petition. Hence, he prayed to set aside the findings of trial judge.

5. Heard and considered rival submissions made by learned counsel for petitioner perused materials available on record.

6. Considering his submissions and on perusal of records, the fact reveals that the petitioner paid nearly about Rs.10,00,000/- to the accused Tamilkumaran and Raghunathan through RTGS, to that effect, the petitioner also produced bank transfer details annexed in the typed set of papers at page No.17. It reveals that a sum of Rs.10,00,000/- was paid by him through RTGS. But, as on date, two accused were still absconding and the amount was also not repaid. Therefore, it is a clear case of cheating and when there is a malafide intention on the part of the accused, the ingredients as prescribed under Sec.318



of B.N.S.S. would attract the conduct of accused. But, the trial court failed to take note of the same and erroneously held that it is a civil in nature. The accused have received a sum of Rs.10,00,000/- from him by giving false promise to induct him as one of the partners in a garments business, but as on date, partnership deed also not been registered. That being so, the petitioner need not be dragged for another 10 years to get back his money, since he has not committed any fault and there is prima facie materials to register the complaint as against accused persons and it also requires detailed investigation. Hence, the findings rendered by the learned District Munsif cum Judicial Magistrate, Madhavaam in Crl.M.P.No. 628 of 2023 is set aside. The respondent police is directed to register the F.I.R. against the accused (1) Tamilkumaran and (2) Raghunathan, conduct investigation and submit a report within a period of twelve weeks from the date of receipt of a copy of this order as per manner known to law. Accordingly, this Criminal Revision Case is allowed.

24-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. District Munsif cum Judicial Magistrate, Madhavaram.
2. Inspector of Police, M-3, Puzhal Police Station, Puzhal,
Chennai – 600066.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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