



Crl.R.C.No.1582 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1582 of 2025 and
Crl.MP.Nos.16318 & 16319 of 2025

1.Narayanamma

2.Ramesh Babu

..... Petitioners

Vs

State By
Inspector of Police,
EDF-II, Team-III, Central Crime Branch,
Chennai 600 007
(crime No.455 of 2014)

..... Respondent

PRAYER:

Criminal Revision Case is filed under Sections 438(1) & 442 of BNSS, praying to call for records and set aside the order passed by the learned Metropolitan Magistrate, For Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai in Crl.MP.No.34083 of 2022 dated 01.03.2025 in CC.No.9403 of 2021.

For Petitioners : Mr.S.Sasaikumar

For Respondent : Mr.A.Gopinath,



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Government Advocate(crl.side)

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ORDER

This Criminal Revision Case has been filed against the order passed by the learned Metropolitan Magistrate, For Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai in Crl.MP.No.34083 of 2022 dated 01.03.2025 in CC.No.9403 of 2021, thereby dismissing the petition filed for seeking to discharge the petitioners from the aforementioned case.

2. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

3. The first petitioner owned a flat admeasuring 1719 sq.ft. situated at No.1/7, Masilamani Street, T. Nagar, Chennai. The petitioners offered to sell the same to the defacto complainant. Agreeing to purchase the same for a total sale consideration of Rs.1,26,00,000/-, the defacto complainant paid nearly a sum of Rs.26,00,000/-. Accordingly, a sale agreement was executed in his favour registered vide document No.41522 of 2010. Thereafter, they have not registered any sale deed in favour of the defacto complainant. The petitioners had sold out the said property in favour of one, M/s.Disc Asset Promoter India Limited for sale consideration of Rs.1,06,28,000/-. In the said flat, one, Suresh



is running a gym. While taking steps to vacate him, the defacto complainant came to know that the flat itself was sold out to another person. In order to repay the said advance amount, the petitioners also issued cheque for a sum of Rs.33,50,000/- and the same was not honoured. Hence, complaint was lodged before the respondent.

4. On receipt of the complaint, the respondent registered FIR in crime No.455 of 2014 for the offences punishable under Sections 406, 420, 506(i) r/w 34 of IPC. After completion of investigation, final report was filed and the same was taken cognizance by the trial court. Pending framing of charges by the trial court, the petitioners filed petition to discharge themselves from the aforesaid charges and the said petition was dismissed, against which this criminal revision case has been filed.

5. On perusal of the statements of witnesses, it is revealed that there are specific allegations against the petitioners to attract the aforesaid offences. Admittedly, the petitioners owned flat and entered into agreement with the defacto complainant. After receipt of advance amount, the very same flat was sold out in favour of a third party. Thereafter, they refused to return the advance amount to the defacto complainant. Therefore, the charges are clearly made out



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against the petitioners. As such, the trial court rightly dismissed the petition

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6. In view of the above discussion, this criminal revision case is dismissed. However, considering the age of the petitioners, their personal appearance before the trial court is dispensed with and they shall be represented by a counsel after filing appropriate application. The petitioners shall be present before the trial court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C., and at the time of passing judgment. Consequently, connected miscellaneous petitions are closed.

28.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- To
- 1.The learned Metropolitan Magistrate, For Exclusive Trial of CCB Cases
(Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore,
Chennai
 - 2.Inspector of Police,
EDF-II, Team-III, Central Crime Branch,
Chennai 600 007
 - 3.The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

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