IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

Crl.R.C.No.632 of 2025

M.K.Sivakumar ..... Petitioner

Vs

1.The State represented by,
The Commissioner of Police,
Sirupooluvapati,
Tiruppur District
2.The State represented by,
The Inspector of Police,
City Crime Branch, Tiruppur
3.Axis Bank Ltd.,
rep. by its Branch Manager,
Tiruppur Loan Centre,
Avinashi Road,
Tiruppur
(3rd respondent impleaded as per order dated 11.06.2025
made in Crl.MP.No.10493 of 2025 in
Crl.OP.No.632 of 2025) ..... Respondents

PRAYER: Criminal Revision Case is filed under Sections 438 and 442 of BNSS, 2023, praying to set aside the order passed in E.C.M.P.No.8428 of 2023 dated 21.03.2024 by the learned Judicial Magistrate No.01, Tiruppur.

For Petitioner : Mr.Joel Nishok .D

For Respondents

For R1 &2 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R3 : M/s.M.R.Uma Vijayan

ORDER

This criminal revision case has been preferred against the order passed in E.C.M.P.No.8428 of 2023 dated 21.03.2024 by the learned Judicial Magistrate No.01, Tiruppur, thereby dismissed the petition filed by the petitioner seeking direction under Section 156(3) of Cr.P.C.

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

3. On perusal of records, it is revealed that the petitioner lodged complaint alleging that he borrowed personal loan from the third respondent to the tune of Rs.3,50,000/- and also paid monthly instalments of Rs.8,746/- from his salary until December 2020. In the year 2020, he retired under voluntary retirement scheme. Thereafter, he approached for pensionary benefits and he was informed that all the pension benefits will be paid through another account. Hence, the petitioner opened another account from the State Bank of India and

received part payment as penionsery benefits. While being so, on 06.08.2021, the petitioner had withdrawn a sum of Rs.2,78,849/- from his account which is lying with the State Bank of India and cleared personal loan with the third respondent by way of cash. Later, when he approached authorities for his remaining pensionary benefits, it was informed that the amounts were credited to his account. However, without the knowledge of the petitioner, the third respondent forged the signature of the petitioner and had withdrawn Rs.2,78,849/- from the account. Further, his ATM card was also misused by the third respondent and had withdrawn Rs.6,00,000/- Therefore, the petitioner lodged complaint. However, it was enquired and closed. Therefore, once again the petitioner filed direction petition under Section 156(3) of Cr.P.C. The learned Magistrate conducted detailed enquiry and passed detailed order stating that no prima facie offence made out as against the third respondent and dismissed the petition.

4. Further on perusal of the records, it is revealed that the petitioner never paid Rs.2,78,849/- by way of cash. The document which is produced before this Court, reveals that it is only acknowledgment for the service request for the serial No.14331911. Further, on perusal of records, it is also revealed that the petitioner approached loan centre of the third respondent on 06.08.2021

for pre-closure of his loan account. In pursuant to the same, debit mandate was collected from the petitioner on 06.08.2021 to debit the amount of Rs.2,78,849/- from his Axis Bank account. In fact, the message was also sent for confirmation of such debit to his mobile phone on 06.08.2021 at about 11.25.43 a.m. Accordingly no due certificate was sent by the third respondent to the petitioner's mail.

5. It is to be noted that the loan centre of the third respondent does not have cash counter or cashier like a regular branch operations carried out by the third respondent. For any closure of loan account, the loan centre shall entertain only through debit mandate and not by cash transactions. Insofar as misuse of ATM card is concerned, even after completion of one year from the occurrence, the petitioner used ATM card and had withdrawn money. Therefore, there is absolutely no prima facie case made out to register FIR as against the third respondent. Hence, the learned Magistrate rightly dismissed the petition and this Court finds no infirmity or illegality in the impugned order.

6. In view of the above discussion, this criminal revision case is

dismissed.

16.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

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To
1.The learned Judicial Magistrate No.01, Tiruppur
2.The Commissioner of Police,
Sirupooluvapati,
Tiruppur District
3.The Inspector of Police,
City Crime Branch, Tiruppur
3.Branch Manager,
Axis Bank Ltd.,
Tiruppur Loan Centre,
Avinashi Road,
Tiruppur
4.The Public Prosecutor,
High Court, Madras.

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