



Crl.RC .No.2354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

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

Crl.R.C.No.2354 of 2024

D.Kesavan

..... Petitioner

Vs

1. State Rep by
The Inspector of Police,
Tondiarpet Police Station,
Chennai.

2.P.Babu

..... Respondents

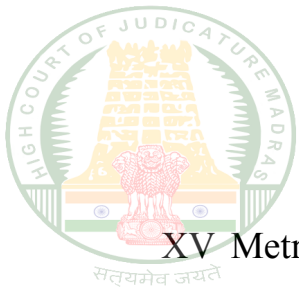
Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated
25.11.2024 made in Crl.M.P.No.7369 of 2024, on the file of the learned XV
Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : Mr.J.Jayan

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed challenging the order
dated 25.11.2024 passed in Crl.M.P.No.7369 of 2024 on the file of the learned



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XV Metropolitan Magistrate, George Town, Chennai, thereby dismissing the petition filed under Section 156(3) of Cr.P.C seeking a direction to register an FIR.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Perused the materials available on record.

3. A perusal of the records reveals that, on the pretext of trade business, the second respondent obtained a sum of Rs.10,00,000/- from the petitioner as loan. However, the second respondent had no such business, and he repaid only a sum of Rs.2,00,000/- and cheated the petitioner of the remaining amount. Subsequently, the petitioner lodged a complaint and he was issued CSR No.160 of 2024. Thereafter, no steps were taken to register an FIR. Therefore, the petitioner filed a petition under Section 156(3) of Cr.P.C. seeking a direction to register the FIR. However, the Trial Court dismissed the said petition on the ground that the petitioner failed to make out a prima facie case and failed to comply with the provisions under Section 154(3) of Cr.P.C.



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4. Recently, the Hon'ble Supreme Court of India, in the case of

Anurag Bhatnagar and Another Vs. State (NCT of Delhi) and another, in Special Leave Petition (Criminal) No.18084 of 2024, dated 25.07.2025, held that the Magistrate ought not to ordinarily entertain an application under Section 156(3) of Cr.P.C directly, unless the informant has availed and exhausted his remedies provided under Section 154(3) of Cr.P.C. but as the Magistrate is otherwise competent under Section 156(3) of Cr.P.C. to direct the registration of the FIR if the allegations in the application/complaint discloses the commission of a cognizable offence.

5. In view of the above, the first respondent is directed to register an FIR based on the complaint lodged by the petitioner and proceed with the investigation against the second respondent in accordance with law.

6. In the result, this Criminal Revision Case stands allowed.

29.07.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
Lpp



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G.K.ILANTHIRAIYAN. J,

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.

2. The Inspector of Police,
Tondiarpet Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

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