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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2401 of 2025

1. S.Arokiyasamy @ Tamilarasu
S/o.Late Sanjeevi, Flot No.503, I-Block, Santha Towers, Paruthi Pattu,
Avadi, Chennai-600 071.

Petitioner(s)

Vs

1. The Inspector of Police,
District Crime Branch, Kanchipuram,
Kanchipuram District. Cr.No.30/2027.

Respondent(s)

CRL RC No. 2401 of 2025

PRAYER
To set aside the order dated 01.07.2025 in Crl.M.P.No.524/2025 in Cr.No.30/2017 on the file of the Judicial Magistrate No.1, Kanchipuram District.

CRL RC No. 2401 of 2025

For Petitioner(s): Mr. Arun Anbumani for
E.Jayasankar
K.Narasimhan

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

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ORDER

This Criminal Revision Case has been filed to set aside the order dated 01.07.2025 in Crl.M.P.No.524/2025 in Cr.No.30/2017 on the file of the Judicial Magistrate No.1, Kanchipuram District.

2. The learned counsel for the petitioner submits that the petitioner is aged about 87 years, who is professor and had received retirement benefits. In the year 2009, one Jayaraj and his wife and Britto were introduced the petitioner to one I.L. Krishnan, who was operating from their house-cum-office in Little kanchipuram. They informed the petitioner that Mr.I.L. Krishnan was running a business called "Inspire Consulting Services" they assured that if the funds provided to Mr.I.L Krishanan he would give best returns, based on the assurance given by the Jayaraj and his wife and Britto, the petitioner transferred a sum of Rs.47,86,500/- on various dates through RTGS to Mr.I.I. Krishnan. When the petitioner demanded repayment, they refused to repay the amount and cheated the petitioner. Therefore, the petitioner gave a complaint before respondent police but they did not take action. Thereafter, the petitioner herein lodged a private complaint under Section 156(3) Cr.P.C before the Judicial Magistrate No.II, Kancheepuram, seeking direction to take the complaint on file cognizance of the offences, and direct the 4th accused to register the case against the accused 1 to 3 or to issue summons to the accused punish the accused for the offences committed by them. Therefore, he sought for direction to register FIR based on that complaint the Trial Court has

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directed the respondent police to register FIR and investigate the matter as per manner known to law and file a final report. Thereafter FIR was registered in crime No. 30 of 2017 on the file of the respondent police. However, there is no progress in the case, hence, the petitioner filed Crl.OP. No. 7937 of 2023 before this Court to complete the investigation and file a final report in respect of Crime No. 30 of 2017 and this Court directed the respondent police to complete the investigation within a period of one month. Subsequently, the respondent police closed the case as civil in nature and dropped the further action and thereafter, the petitioner herein filed protest petition in Crl.M.P No. 524 of 2025 in Cr.No. 30 of 2017 under Section 173(2)Cr.P.C, before the Judicial Magistrate No.1, Kancheepuram, to direct the respondent to file a final report in crime No. 30 of 2017, on the file of the Inspector of Police, District Crime Branch, Kanchipuram District but the said petition was dismissed the Trial Court. Aggrieved over the same, the petitioner filed this petition.

3. Further, he submits that the Trial Court ought to have directed the respondent police to file final report in spite of that the Trial Court accepted the closure report as such is illegal and liable to be set aside.

4. On perusal of records, it reveals that the petitioner has lodged a private complaint before the Trial Court based on the direction of the Court, the respondent police registered FIR in crime No. 30 of 2017 against the proposed accused under Section 294(b), 420 & 506(i) IPC on 14.08.201. Thereafter, near about 6 years there is no progress in the case and though the

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petitioner produced copy of the bank statement as to how the amount was transferred to the proposed accused bank account, the investigating officer failed to investigate the case properly. Thereafter, the petitioner approached the higher officials, subsequently, another investigating officer sought for details from the Indian bank officials in respect of account No. 859496078 which was annexed with typed set of papers with regard to transfer of amount to the proposed accused. After that investigating officer, should have filed the final report against the proposed accused in spite of that he submitted the closure report in that report investigating officer mentioned that during the enquiry the found that there is money transaction between the parties and promissory note and cheque also given by the accused. Hence, it came to the conclusion that the proposed accused did not have any malafide intention to deceive the petitioner. Furthermore, a sum of Rs.5 lakhs amount was repaid by the proposed accused there is no materials to prosecute him. Accordingly, further action was dropped and the same was forwarded to the trial court. against which the petitioner filed a protest petition, but Trial judge has concluded that the petitioner ought to have approached the civil forum to exhaust his remedies and dismissed the protest petition.

5. The learned counsel for the petitioner submits that despite prima facie material available to prove the malafide intention of the proposed accused, the

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investigating officer erroneously submitted the closure report which requires interference of this Court.

6. Considering the facts and circumstances of the case as well as on perusal of records, it reveals that the petitioner has lodged a private complaint before the Trial Court, based on the direction of the Trial Court, the respondent police registered FIR in crime No. 30 of 2017 against the proposed accused under Section 294(b), 420 & 506(i) IPC on 14.08.201. Thereafter, near about 5 years later then Investigating officer without sought for particulars from the bank officials submitted a closure report as there is no malafide intention on the proposed accused to deceive the petitioner as such is unacceptable one for the reason that at the time of the lodging the complaint the petitioner categorically stated that his money was cheated by the proposed accused and also furnished the bank account transaction details. When there is prima facie material, the investigating officer should have filed the final report much earlier since all the bank particulars have been furnished by the petitioner. However, the investigating officer near about 7 years later filed a closure report which requires interference. Hence the closure report filed by the respondent police is set aside. However, the said closure report was accepted by the Trial court which is not proper under law. Therefore, the order passed by the Judicial Magistrate -I, Kanchipuram in Crl.MP. No. 524 of 2025 is liable to be set aside. Further, the petitioner is aged about 87 years for the past 8 years he is standing before the Court to take penal action against the proposed accused. Hence, the

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respondent police is directed to file the final report after getting bank details from the concerned bank within a period of 3 weeks from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Revision Case is allowed.

18-11-2025

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
To
1. The Judicial magistrate No.1,
Kanchipuram District.
2. The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI J.

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