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CRL RC No. 2215 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRL RC No. 2215 of 2025
and Crl.M.P.No.20247 of 2025**

1. Niranjan Kumar
S/o.Rajasekar, No. 322, GST Road,
Chromepet, Chennai - 600044.

Petitioner(s)

Vs

1. The State of Tamilnadu
Represented by The Inspector of Police,
Chromepet police Station, Chromepet.

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 r/w 442 of BNSS act 2023,
praying to call for the records pertaining to order passed by the Learned District
Munsif cum Judicial Magistrate at Pallavaram in C.M.P.No. 1338/2024 in
C.C.No 863/2023 dt. 08.08.2025 and set aside the same by allowing the above
discharge petition filed by the petitioner.



For Petitioner(s): Mr.T.Saravanan

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

ORDER

Challenging the impugned order passed by the trial Court, the petitioner has preferred this Criminal Revision case.

2. The learned counsel for the petitioner submitted that before the trial court, the petitioner had filed an application seeking discharge from the proceedings, stating that he had not committed any offence attracting Sections 408 408, 417, 418 and 420 of IPC. He further submitted that he, along with his family members, was running a marriage hall under the name and style of “Hemaraj Palace”. The defacto complainant is said to have booked the said marriage hall for his son's marriage to be held on 02.02.2009. However, on that date, it was found that the marriage hall had been booked for some other person. Therefore, a complaint was lodged on 01.02.2009 against the petitioner and the owner of the marriage hall, alleging that with dishonest intention, they had



cheated the defacto complainant and his family members by receiving a sum of Rs.98,000/- as advance for booking the marriage hall, but had subsequently allotted it to someone else. Based on the said complaint, an FIR was registered in Crime No.38 of 2009.

3. In fact, one Benjamin, the Manager was in charge of the affairs of the marriage hall. The petitioner, being an advocate by profession, had entrusted the management to him. It was the Manager who had received the advance amount without the petitioner's knowledge and had subsequently allotted the hall to another party. Later, the said Manager was also removed from employment. The Petitioner therefore claimed that he is innocent and prayed for discharge from the proceedings.

4. The Learned Government Advocate (Crl.Side) submitted that the final report has now been filed, and hence, the petitioner has to face the trial.



5. Considering the submissions made on both side, the learned Trial Judge, upon perusal of the records, held that a prima facie case was made out against the petitioner. Therefore, the petition filed by the petitioner seeking discharge was dismissed, holding that he was not entitled to be discharged from the proceedings. Challenging the said findings, the present Criminal Revision has been filed.

6. The petitioner submitted that the Manager, who is said to have committed the alleged act, was never authorized to handle marriage hall bookings and that he has been falsely implicated in the case. It is further submitted that the defacto complainant has since passed away and the same issue was also agitated before the Consumer Forum. The petitioner had contested the said case, and ultimately, the National Consumer Disputes Redressal Commission directed him to pay a sum of Rs.8,63,325/- with interest, totalling Rs.12,06,937/-.



7. In compliance with the said order, the entire amount was paid to the son of the defacto complainant, namely Balaji, through a bank demand draft dated 20.12.2023, along with a memo of calculation and bank particulars.

8. As on date, the petitioner has duly compensated the family of the defacto complainant by paying Rs.12,06,937/- as compensation for the inconvenience caused. Thus, the defacto complainant's family has been sufficiently compensated. Furthermore, the records reveal that immediately after the occurrence, the petitioner had published a newspaper notice regarding the mismanagement by the Manager, Benjamin (A2), who was in charge of the marriage hall affairs and had subsequently absconded.

9. Admittedly, there is no prima facie evidence to show that the petitioner was managing the affairs of the marriage hall or that he had personally received the advance amount from the defacto complainant for booking the hall. In the absence of such material, he cannot be held liable for the alleged offences. The learned Trial Judge failed to properly appreciate these facts and circumstances.



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10. Considering the above discussion, this Court is of the view that the petitioner need not be prosecuted, as there is no prima facie material to attract the offences alleged against him.

11. Accordingly, this Criminal Revision case is disposed of.
Consequently, the connected miscellaneous petition is closed.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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Note: Issue order copy on or before 04.11.2025.



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1. The State of Tamil nadu
Represented by The Inspector of Police,
Chromepet police Station, Chromepet.
2. The District Munsif cum Judicial
Magistrate at Pallavaram.
3. The Public Prosecutor,
High Court Of Madras, Chennai.



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T.V.THAMILSELVI J.
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