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Crl.R.C.No.2653 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2653 of 2025

Ilaiyarani

... Petitioner

Vs.

1. State Rep. By The Inspector of Police,
J8-Neelangarai Police Station, Chennai.

2. The Assistant Commissioner of Police,
Neelangarai Chennai – 600 020.

3. Amudha

... Respondents

Prayer: Criminal Revision Petition filed under Section 397 read with 401/438 read with 442 of BNSS to set aside the Order passed in 21.08.2025 in Crl.M.P.No.974 of 2025 by the learned District Munsif cum Judicial Magistrate, Sholinganallur, Chennai and consequently to direct the respondent/police to register the complaint against the third accused and to carry on investigation and file the report before this Court.

For Petitioner : Mr.Nachiappan

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side) – R1 & R2



ORDER

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The petitioner challenges the Order of dismissal of the petition filed by the petitioner under section 175[3] of BNSS and consequently direct the respondent to register the First Information Report.

2. The gist of the case of the complainant is that she had extended a loan of Rs.5,55,000/- to the proposed accused on 03.12.2018 with the understanding that the proposed accused should pay interest at the rate of Rs.2/- per month; that the proposed accused had also handed over the original title deeds in respect of a property belonging to him as a collateral security; that contrary to the agreed terms, the proposed accused did not repay the loan and paid only a sum of Rs.41,000/- towards principal; that there is an outstanding due of Rs.6,75,500/- and hence, the accused committed the aforesaid offence.

3. The learned Magistrate dismissed the petition filed by the petitioner stating that it is a case of money transaction between the petitioner and the proposed accused and the petitioner ought to have filed a suit for recovery of money and no cognizable offence is made out in the complaint.



4. The learned counsel for the petitioner would submit that there was a loan transaction; that the proposed accused intended to cheat the petitioner; and hence the offences of cheating and breach of trust have been made out and the impugned Order is liable to be set aside.

5. The learned Additional Public Prosecutor, per contra, submitted that the impugned Order requires no interference and a suit for recovery of money has been given a criminal colour.

6. Admittedly, the petitioner is said to have lent a sum of Rs.5,55,000/- in the year 2018. Even according to the petitioner, the proposed accused had handed over title deeds as collateral security. The proposed accused had also repaid a sum of Rs.41,000/-. According to the petitioner, there is a balance of Rs.6,34,500/-. As rightly observed by the learned Magistrate, a civil transaction is given a criminal colour. The allegations in the complaint do not attract either the offence of cheating or the offence of criminal breach of trust. Hence, this Court finds no infirmity in the impugned Order passed by the learned Magistrate.



Crl.R.C.No.2653 of 2025

WEB COPY

7. Accordingly, this Criminal Revision Case is dismissed.

08.12.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

vrc

To

1. The District Munsif cum Judicial Magistrate,
Sholinganallur.
2. The Inspector of Police,
J8-Neelangarai Police Station, Chennai.
3. The Assistant Commissioner of Police,
Neelangarai Chennai – 600 020.
4. The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.2653 of 2025

SUNDER MOHAN, J.

vrc

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08.12.2025