



WEB COPY



Crl.R.C.No.2688 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.2688 of 2025

P.Kannaiah

... Petitioner

Vs.

1. The Inspector of Police,
J4, Kottupuram Police Station,
Chennai.

2. Durai

3. Poongodi

... Respondents

Prayer: Criminal Revision Petition filed under Section 438 read with 442 of BNSS, to set aside the Order passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.9593 of 2025 dated 03.01.2025 by allowing the revision and direct the jurisdiction police to file FIR.

For Petitioner : Mr.R.Sathyiyamoorthy

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

ORDER

The petitioner challenges the Order passed by the learned IX Metropolitan Magistrate dismissing the petition filed under section 175[3] of BNSS.



2. The gist of the complaint of the petitioner is that the proposed accused had borrowed a sum of Rs.12 lakhs from him; that in spite of repeated demands, they have failed to repay the said money; that the petitioner had sufficient proof for lending the said amount; and that the proposed accused therefore, have committed offence under section 420 IPC.

3. The learned counsel for the petitioner would submit that the Order passed by the learned Magistrate is without proper appreciation of facts; that it was the petitioner who had issued the cheque while lending the amount to the proposed accused; that the learned Magistrate had observed erroneously that proposed accused issued the cheque; and that since there is erroneous appreciation of facts by the learned Magistrate, the impugned Order is liable to be set aside and the respondents have to be directed to register the First Information Report.

4. It is seen that the jurisdictional police had refused to register the First Information Report and only a CSR was registered. Thereafter, the petitioner approached the learned Magistrate. The learned Magistrate had dismissed the said petition by observing that the proposed accused had issued two cheques in favour of the petitioner and that it is for the petitioner to



Crl.R.C.No.2688 of 2025

approach the civil court or file a complaint under section 138 of the Negotiable Instruments Act; and that the transaction is a time barred loan transaction.

5. The learned counsel for the petitioner is right to the limited extent in submitting that the learned Magistrate erred in holding that the proposed accused issued the cheque. However, on a reading of the complaint, it is seen that no offence has been made on the complaint given by the petitioner. Even according to the petitioner, it is a loan transaction which took place in the year 2019. The non payment of the loan amount would not attract the offence under section 420 of IPC unless there is deception at the inception. The complaint in effect seeks to convert a time barred suit for recovery of money into a criminal complaint. In fact that the learned Magistrate has held correctly that the complaint discloses only a criminal dispute. Hence, this Court do not find any infirmity in the impugned Order as no cognizable offence has been made out in his complaint.

6. Accordingly, this Criminal Revision Case is dismissed.

08.12.2025

Index : Yes/No

3/5



CrI.R.C.No.2688 of 2025

Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

WEB COPY

To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
J4, Kottupuram Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.R.C.No.2688 of 2025

SUNDER MOHAN, J.

vrc

CrI.R.C.No.2688 of 2025

08.12.2025