

Crl.R.C.(MD).No.175 of 2025

'BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 18.03.2025

PRONOUNCED ON : 28.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.175 of 2025
and
Crl.M.P.(MD)No.1735 of 2025

Sivaramakrishnan

... Petitioner/Proposed Accused

Vs.

1.Subbulakshmi

: 1st Respondent/Petitioner

2.State through

The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

: 2nd Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 of BNSS, 2023 to call for the records relating to the order passed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, in Crl.M.P.No.7033 of 2024, dated 03.12.2024 and set aside the same.



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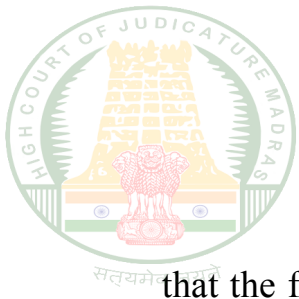
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For Petitioner : Mr.P.Praveen Kumar
For Respondents : Mrs.M.Aasha
Government Advocate(Crl.Side)
for R.2
: No Appearance for R.1

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 7033 of 2024, dated 03.12.2024, on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi, directing the registration of the F.I.R., and for investigation.

2. The case of the first respondent/complainant is that she is residing at Veeravanallur, as she was abandoned by her husband, that the petitioner has earlier worked in Stark Communication Private Limited, Trivandrum and was getting salary at Rs.50,000/- per month, but she left her job for her son's education, that the petitioner affiliated with the BJP political party became acquainted with the first respondent, that the petitioner had assured to make necessary arrangements for getting good monthly income and demanded amount for that purpose and also demanded amount for expanding his travel business,



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that the first respondent had remitted amounts as claimed by the petitioner from her Savings Bank account at Tamil Nadu Mercantile Bank for the period between 26.06.2023 and 14.08.2023 and through Google Pay from her account available at SBI, totally to the tune of Rs.8,16,500/-, that the petitioner, by promising to return at Rs.1,500/- per day for 375 days and also sent a message to her, that the petitioner requested the first respondent to get loan from Bajaj Finance to meet out expenses for his father's heart treatment and accordingly, the petitioner had taken amount to the tune of Rs.10,00,000/-, that the petitioner to meet out his son's medical expenses and other urgent expenses, had taken Rs.3,30,000/- directly from the first respondent, that when the first respondent had demanded to return the amount, the petitioner started to threaten that he would commit suicide and would also kill the child, that though the petitioner is having sufficient means, he has been refusing to repay the amount, that since the petitioner is having money and political influence, he could do everything, that the first respondent with no other option has lodged a complaint before the Kallidaikurichi Police Station and C.S.R., came to be issued in C.S.R.No.461 of 2021 and at the enquiry, the petitioner admitted the receipt of amount and agreed to return the same, that the first respondent sent a complaint to the Inspector of Police, Veeravanallur, the Deputy Superintendent of Police, Cheranmahadevi and



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the District Superintendent of Police, Tirunelveli on 28.10.2024 and since there was no action, the first respondent was constrained to file the petition under Section 175(3) BNSS for registration of F.I.R., and investigation.

3. The learned Judicial Magistrate, taking the petition filed under Section 175(3) BNSS on file in Crl.M.P.No.7033 of 2024, upon perusing the petition, the petitioner's affidavit and the documents filed along with the complaint and on hearing the petitioner's side, has passed an order dated 03.12.2024, by holding that there are *prima facie* materials to proceed against the accused, directed the respondent police to register the F.I.R., and investigate the case. Aggrieved by the impugned order, the present revision came to be filed.

4. The learned Counsel for the petitioner would submit that the petitioner has already filed a civil suit in O.S.No.101 of 2024 and the same is pending on the file of the District Munsif Court, Amabasamudram, that the first respondent suppressing the pendency of the civil suit, has filed the above complaint raising false and frivolous allegations, that the learned Magistrate, without giving any notice or without giving any opportunity, has mechanically allowed the petition and directed to register the F.I.R., that the first respondent before filing the



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petition under Section 175(3) BNSS, ought to have given complaint before the concerned police station and the Superintendent of Police, but in the present case, the complainant did not give any complaint to the jurisdictional police, that on the basis of the complaint lodged by the petitioner, F.I.R., came to be registered against the first respondent in Cr.No.245 of 2024, but the same was suppressed, that the first respondent alone has to pay the amount to the petitioner, but the first respondent by creating false records as if the petitioner has received the amount from her, lodged the complaint.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the second respondent.

6. Despite receipt of notice, the first respondent has not turned up.

7. As already pointed out, it is the specific case of the first respondent/complainant that she sent the amounts as claimed by the petitioner from her Savings Bank account available at Tamil Nadu Mercantile Bank and also through Google Pay from State Bank of India Bank account and also her



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bank account at HDFC, Ambasamudram branch and she has furnished the particulars of the amounts paid to the account of the petitioner. The first respondent has also alleged that as per the requisition made by the petitioner, she applied for loan from Bajaj Finance and the petitioner has taken to the tune of Rs.10,00,000/- from the loan sanctioned and available in her HDFC Bank account and that the petitioner had also taken Rs.3,30,000/- directly from the first respondent allegedly to meet out the medical expenses of his son.

8. As rightly pointed out by the learned Government Advocate (Crl.Side), the first respondent has produced the said documents to prove the alleged payments made by her. The petitioner has filed a copy of the plaint filed in O.S.No.101 of 2024 filed by him against the first respondent before the District Munsif Court, Ambasamudram, wherein he claimed permanent injunction restraining the first respondent from spreading rumours against the petitioner through whats app or through other social media platform and also for permanent injunction restraining the first respondent from disturbing the petitioner by claiming any amount from him.



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9. In the plaint, the petitioner has alleged as if the first respondent had threatened the petitioner to pay Rs.10,00,000/- or else she would circulate their whatsapp conversations, that the petitioner has lodged a complaint through online and the same came to be registered in Cr.No.245 of 2024, on the file of the Kallidaikurichi Police Station and the investigation is pending, that the first respondent in an attempt to escape from the said criminal case and with an evil intention to extract money by showing false accounts, has lodged the complaint before the Kallidaikurichi Police Station and after enquiry, the respondent police has warned the first respondent and that subsequently, she lodged the complaint before the higher police officials and that the first respondent alone has to pay amounts to the petitioner and is taking necessary steps to recover the amount from the first respondent. But as rightly pointed out by the learned Government Advocate (Crl.Side), the petitioner in the plaint has nowhere whispered as to how and in what way, the first respondent has to pay the amounts to the petitioner. But the learned Magistrate has rightly observed that a reading of the complaint and the other documents produced revealed that the petitioner has received substantial amounts from the complainant and that prima facie materials are available against the accused to proceed further. As rightly observed by the

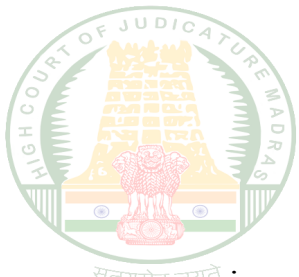


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learned Magistrate, a cursory perusal of the petitioner's affidavit and the documents filed along with the petition under Section 175(3) BNSS, would disclose the commission of cognizable offences. Though the petitioner has alleged that the first respondent has produced false accounts, he has not elaborated anything further nor produced any materials to show that the documents produced by the first respondent are only exhibiting false accounts.

10. The learned Counsel for the petitioner would submit that the first respondent before filing the petition under Section 175(3) BNSS, has not chosen to give a complaint to the jurisdictional police, but the same was not considered. It is evident that the petitioner has specifically alleged that on the basis of the complaint given by her before Kallidaikurichi police station, C.S.R., came to be registered in C.S.R.No.461 of 2024 and at the enquiry, the petitioner has admitted the receipt of the payment and agreed to repay the same, but subsequently, there was no further action. Moreover, it is further evident that the first respondent has produced the copy of the complaint sent to the Inspector of Police along with the receipt and also the copy of the complaint sent to the Superintendent of Police along with the receipt. Hence, the contention of the petitioner that the first respondent has not complied with the mandatory



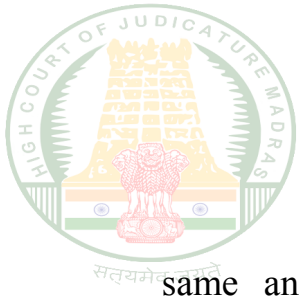
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requirements before filing of the petition under Section 175(3) BNSS cannot be sustained.

11. No doubt, the learned Judicial Magistrate while considering the petition filed under Section 175(3) BNSS cannot act as a post office and is duty bound to consider the nature of the accusation of the offences alleged and to decide about the course of action to be taken. In the present case, the learned Magistrate considering the petition and other materials, has rightly exercised the discretion and directed for registration of F.I.R., and as such, the impugned order cannot be found fault with.

12. The learned Government Advocate (Crl.Side) would submit that in pursuance of the direction of the learned Magistrate, the respondent police has already registered the case in Cr.No.245 of 2024 for the offences under Sections 384 and 506(i) I.P.C., Considering the above, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

13. In the result, the Criminal Revision Case is dismissed. The second respondent police is directed to proceed with the investigation and complete the



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same and to file a final report as expeditiously as possible before the jurisdictional Magistrate Court. Consequently, the connected Miscellaneous Petition is also dismissed.

28.03.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

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To

1. The District Munsif cum Judicial Magistrate,
Cheranmahadevi.
2. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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