



CrL.R.C.(MD)No.457 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.457 of 2025

and

CrL.M.P.(MD)No.4794 of 2025

1.Markandan @ Markandaiyan
2.Amutha @ Anbumalar
3.Vasanth

... Petitioners

-VS-

1.Muthulakshmi
2.State of Tamil Nadu rep. by
The Inspector of Police,
Mattuthavani Police Station,
Madurai City.
(Crime No.46 of 2023)

... Respondents

PRAYER : Criminal Review Case filed under 438 r/w. 442 of BNSS, 2023, to set aside the order passed by the learned Judicial Magistrate No.VI, Madurai, in R.C.S.No.894 of 2024 dated 30.12.2024.

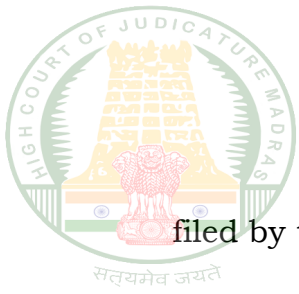
For Petitioners : Mr.K.Sathish Kumar

For 1st Respondent : Mr.S.M.A.Jinnah

For 2nd Respondent : Mr.S.S.Manoj,
Government Advocate

ORDER

Challenging the order passed by the learned Judicial Magistrate No.VI, Madurai, in R.C.S.No.894 of 2024, this Criminal Revision Case is



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filed by the petitioners.

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2.By way of the impugned order passed by the learned Judicial Magistrate No.VI, Madurai, in R.C.S.No.894 of 2024 in CrI.M.P.No.6201 of 2024, the learned Judicial Magistrate directed the SHO, Mattuthavani Police Station to conduct further investigation and to file a report as per law. Claiming the same as non speaking order, this Criminal Revision Case is filed.

3.The learned counsel appearing for the petitioners submitted that the defacto complainant one Muthulakshmi, who is the first respondent herein lodged a complaint as against the petitioners herein, alleging that the petitioners had defrauded her to the tune of Rs.19,61,300/- in an unregistered chit company, which is being run by the wife of the second petitioner before Mattuthavani Police Station. Since the police found the same as baseless, no action was taken. Following which, the defacto complainant filed CrI.M.P.No.882 of 2022 before the learned Judicial Magistrate No.VI, Madurai, under Section 156(3) of Cr.P.C., seeking direction to file a FIR as against the petitioners herein and the same was allowed on 05.01.2023. FIR in Crime No.46 of 2023 came to be registered by the second respondent police under Sections 294(b), 406, 420 and 506(ii) of IPC. After investigation, the police referred the matter as mistake of fact. Against which, a protest petition was filed by the defacto



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complainant in CrI.M.P.No.6201 of 2024 before the learned Judicial Magistrate No.VI, Madurai. However, the learned Judicial Magistrate without going into the merits of the case, has passed a non speaking order without giving any reasons, directing the second respondent to conduct further investigation. The learned counsel categorically submitted that the learned Magistrate ought to have passed an order with proper reasoning and having not done so, the same should be necessarily interfered and pressed for allowing this Revision Case.

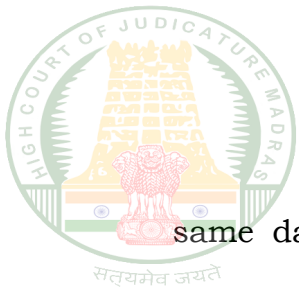
4.The learned counsel appearing for the first respondent submitted that the entire narration projected by the learned counsel for the petitioners are not fully correct. It is true that the defacto complainant had lodged a complaint, alleging to have been defrauded by the petitioners herein to the tune of Rs.19 lakhs and odd for which, she has filed a complaint before the second respondent police. Since no action was taken, the defacto complainant was left with no other option, rather approaching the Commissioner of Police, Madurai, for appropriate action. In fact, during in-house enquiry conducted by the Commissioner of Police, all the petitioners herein together have admitted their liability and even thereafter, the police was not constrained to take appropriate action. Left with no other option, the defacto complainant filed CrI.M.P.No.882 of 2022, seeking a direction under Section 156(3) of Cr.P.C., to register FIR against the petitioners herein. The learned Judicial Magistrate after hearing the



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arguments elaborately, allowed the petition filed by the first respondent and only thereafter the second respondent police registered a FIR in Crime No.46 of 2023 under Sections 294(b), 406, 420 and 506(ii) of IPC. However, without examining the necessary witness, who were ready to give their statements, investigation was conducted in a biased manner by the then Investigating Officer and there was no progress positively in the matter.

5.Hence, losing hope in the manner, in which the case was dealt with by the then Investigating Officer, the first respondent filed a petition in CrL.O.P.(MD)No.6551 of 2023 before this Court, to withdraw the investigation in Crime No.46 of 2023 on the file of the second respondent and entrust the same to the Investigating Officer, City Crime Branch, Madurai. This Court after hearing either parties on 31.08.2023, disposed of Criminal Original Petition, directing the second respondent police to complete the investigation within a period of four months from the date of aforesaid order. It was further directed that the Assistant Commissioner of Police to monitor the investigation and shall give the clearance for the chargesheet to be filed before the learned Judicial Magistrate, after the completion of investigation. Even before the said CrL.O.P. was disposed of before this Court in the interregnum, in a hurry burry manner during the pendency of the said case, the second respondent Police filed a final report on 31.07.2023, closing the matter by means of referred chargesheet and notice is claimed to have been served on the defacto complainant on the



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same day in terms of Code of Criminal Procedure. In fact, the referred chargesheet was filed only after the disposal of CrI.O.P.(MD)No.6551 of 2023 dated 31.08.2023 before the learned Judicial Magistrate No.VI, Madurai, in No.1269, on 22.04.2024 and the same itself would clearly prove the manner in which the second respondent police had colluded with the petitioners herein by not complying the order of this Court passed in CrI.O.P.(MD)No.6551 of 2023, by further investigating the matter under the Assistant Commissioner of Police, but concluding the matter in favour of the petitioners herein by filing the referred chargesheet.

6.It is also submitted by the learned counsel that in the meanwhile, the entire bundle pertaining to the Crime No.46 of 2023 was lost from the file of the learned Judicial Magistrate No.VI, Madurai, against which the defacto complainant first respondent herein was constrained to lodge a complaint before the learned Principal District Judge cum Sessions Judge, Madurai, following which on his direction, the bundle was reconstructed and taken to the file of learned Judicial Magistrate No.VI, Madurai. That apart, no witness was examined or investigation was conducted on the direction of the order passed by this Court in CrI.O.P.(MD)No.6551 of 2023 dated 31.08.2023. These incidents itself would suffice to prove the irregularities and kind of collusion between the second respondent and the petitioners herein and the learned counsel submitted that this Criminal Revision Case is liable to be dismissed and thrown to the dust bin.



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7.The learned Government Advocate appearing for the second respondent fairly conceded that the referred charge sheet was made ready on 31.07.2023, precisely before one month from the date of order of this Court in CrL.O.P.(MD)No.6551 of 2023 dated 31.08.2023. However, after the order of this Court in CrL.O.P.(MD)No.6551 of 2023, it is unfortunate that the second respondent did not take any steps to comply the order of this Court in CrL.O.P.(MD)No.6551 of 2023. However, the same was filed before the learned Judicial Magistrate No.VI, Madurai, after a lapse of eight months from the date of High Court order on 22.04.2024. This Court finds the mischief played by the Investigating Officer, who served the second respondent Police on 31.08.2023, who wilfully failed to comply the order of this Court.

8.Heard the learned counsel on either side and carefully perused the materials available on record.

9.Though this Court, in CrL.O.P.(MD)No.6551 of 2023, by order dated 31.08.2023, had directed the Inspector of Police, Matuthavani Police Station, to complete the investigation in Crime No.46 of 2023 within a period of four months from the date of receipt of a copy of the order in the aforesaid petition and further directed the Assistant Commissioner of Police, Madurai, to monitor the investigation for the purpose of giving



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clearance to the charge sheet to be filed before the Court after completion of investigation, the second respondent police, without taking any steps to comply with the said order, after a lapse of eight months, filed a referred charge sheet.

10.It is pertinent to note that the said charge sheet had been prepared even before the date of the order passed by this Court in CrI.O.P. (MD)No.6551 of 2023 dated 31.08.2023. The charge sheet was made ready on 31.07.2023 and was filed before the learned Judicial Magistrate No.VI, Madurai, only on 22.04.2024, in blatant violation to the order passed by this Court.

11.Challenging the same, the first respondent herein filed a petition. Pursuant thereto, on 31.07.2023, notice was issued to the defacto complainant, who is the first respondent herein and he filed a protest petition on 05.08.2024 in CrI.M.P.No.6201 of 2024 in R.C.S.No.424 of 2024 in Crime No.46 of 2023 on the file of the learned Judicial Magistrate No. VI, Madurai.

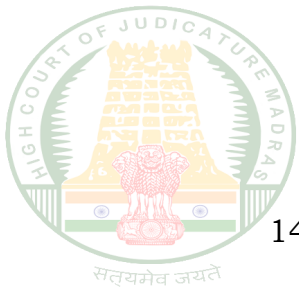
12.The learned Judicial Magistrate, after considering the protest petition, has rightly recorded that a *prima facie* case is made out to conduct further investigation and has directed the second respondent police to conduct further investigation and file a final report as per law.



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Though this Court had directed Mr.Vellathurai, Sub Inspector of Police, now serving at Keerathurai Police Station, Madurai, who had acted in violation of the order of this Court in CrI.O.P.(MD)No.6551 of 2023, to appear before this Court, he did appear and submitted that he is on the verge of retirement. He has expressed remorse and tendered an apology for his conduct. Considering the circumstances, this Court has decided to condone his indiscretion and his violation of the order passed by this Court.

13.However, this Court is of the considered view that, in light of the directions passed in CrI.O.P.(MD)No.6551 of 2023 dated 31.08.2023, the charge sheet, which was made ready even before the said order, i.e., on 31.07.2023, ought not to have been filed before the learned Judicial Magistrate No.VI, Madurai, belatedly on 22.04.2024. Instead, the Investigating Officer ought to have conducted further investigation in compliance with the order of this Court and filed a final report, only after obtaining the concurrence of the Commissioner of Police, Madurai.



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14.In view of the above, this Court finds no infirmity in the order passed by the learned Judicial Magistrate No.VI, Madurai. Accordingly, the Criminal Revision Case is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

21.07.2025

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

To

- 1.The Judicial Magistrate No.VI, Madurai.
- 2.The Inspector of Police,
Mattuthavani Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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