

CRL RC(MD)No.1078 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1078 of 2025

K.R.S.Ponnusamy Pandian

... Petitioner/ Petitioner

Vs.

1.The Superintendent of Police,
Madurai, Madurai District.

2.The Deputy Superintendent of Police,
Samayanallur,
Madurai District.

3.The Inspector of Police,
Municipal Crime Branch,
Madurai City.

4.R.Rajendran

... Respondents / Respondents

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the order passed by the learned Judicial Magistrate, Vadipatti, in Cr.M.P.No.3048 of 2024 dated 05.03.2025 and set aside the same.

For Petitioner : Mr.P.Jeyasankar

For R-1 to R-3 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)



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ORDER

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Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) takes notice for the respondents 1 to 3.

2. Since no adverse order is passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

3. Challenging the order passed by the learned Judicial Magistrate, Vadipatti, in Crl.MP.No.3048 of 2024, dated 05.03.2025, this Criminal Revision case is filed.

4. The claim of the petitioner is that he was introduced to the 4th respondent / Rajendran who is an advocate, through two advocates one Balasubramanian from Tirunelveli and one Farukbatcha from Madurai, as the power agent for the sale of properties of one C.T.Alagappan Chettiar, having sites in Chennai OMR Seevaram village, in survey No.38/2A to an extent of 11 acres 48 cents and another property in Chennai OMR Seevaram village to an extent of 56 cents, and approached him to sell the said properties assuring sale price less than market price of Rs.10 crores, citing the reason that C.T.Alagappan Chettiar is in need of money to settle his outstanding sale purchase amount based on the judgment and decree of the

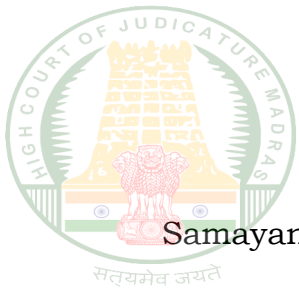


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learned Principal District Court, Chengalpattu, in O.S.No.352 to 356 of 2007, 382 to 384 of 2007 and 114 of 2009, by virtue of which, he had acquired the said properties.

5. He also claimed that in this regard that, the 4th respondent / Rajendran had arranged a video call with the said C.T.Alagappan Chettiar and, believing the words of the person who spoke to him through video call claiming to be C.T.Alagappan Chettiar and the words of the 4th respondent, the petitioner had entered into an agreement dated 12.06.2024, for completion of sale with respect to the said properties by paying an advance amount of Rs.1,00,000/- vide cheque No.637842, in terms of the said agreement with the 4th respondent. The 4th respondent had agreed to complete the sale within three months.

6. However, without completing the same, he is delaying, when contacted on 01.07.2024, he demanded an amount of Rs.25 crores or else the petitioner should lose his Rs.1,00,000/- which he had already paid. He had also turned phone calls made by the advocate Mr.Balasubramanian as well as Mr.Farukbatcha from Madurai and thus, he had received an amount of Rs.1,00,000/- from the petitioner fraudulently, for which, the petitioner had made a complaint before the 3rd respondent police on 02.04.2024. Due to the inaction of the 3rd respondent police, he had made further representation before the 2nd respondent / Deputy Superintendent of Police,



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Samayanallur, and also the Superintendent of Police, Madurai. Even after that, since there was no action, the petitioner had filed an application under Section 173(4) of BNSS, 2023, seeking to direct the 3rd respondent police to register a First Information Report as against the 4th respondent. However, the learned Trial Court had dismissed the same. Challenging the same, this Criminal Revision case is filed.

7. The learned counsel for the petitioner drew my attention to the agreement which was entered into between the petitioner and the 4th respondent in which there is a categorical admission of having received an amount of Rs.1,00,000/- from the petitioner. Claiming that the same itself would suffice that the 4th respondent had fraudulently deceived him and extorted an amount of Rs.1,00,000/- from him, he had said a *prima facie* case has been clearly made out, on the basis of which, the learned Judicial Magistrate ought to have directed the 3rd respondent police to register a First information Report as against the 4th respondent and pressed for allowing this case by setting aside the impugned order passed by the learned Trial Court.

8. Per contra, the learned Government Advocate (Crl.side), Mr.M.Shakthi Kumar on instructions submitted that the petitioner had never ever made any complaint before the 3rd respondent police. It is only before the Alanganallur Police Station, the petitioner had made a complaint



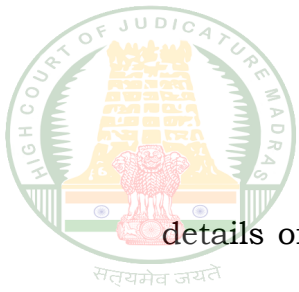
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and not before the 3rd respondent police, that is, the Inspector of Police, Municipal Crime branch, Madurai city.

9. Heard the learned counsels on either sides and carefully perused the materials available on record.

10. A careful perusal of the documents placed before me would reveal that the petitioner had duly incorporated the Inspector of Police, Alanga Nallur Police Station as the third respondent in his petition under Section 173(4) of BNSS 2023. However, the learned Trial Court had inadvertently by way of typographical error had substituted the Alanganallur Police Station, with Municipal crime branch, Madurai city, and the same should be a clerical error. However, as far as the facts and circumstances of this case is concerned, no doubt the petitioner has lost an amount of Rs.1,00,000/- and the same could be substantiated from the agreement which is entered between him and the 4th respondent and that too the payment has been made through cheque bearing No.637842 of Indian Overseas Bank, Kayatharu Branch.

11. It is also pointed out by the learned counsel for the petitioner that the same has been duly encashed by the 4th respondent. However, the



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details of the agreement dated 12.06.2024 do not have the signature of the so-called C.T.Alagappan Chettiar but only the signature of the petitioner and the 4th respondent.

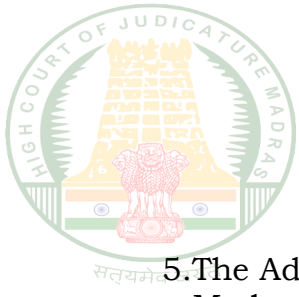
12. It is needless to state that as rightly pointed out by the learned Trial Court, the matter involved is only of civil nature, for which the petitioner's remedy would be available before the concerned Jurisdictional Civil Court where he could file a suit for recovery of money on the basis of the document available with him. Giving liberty to the petitioner to approach the competent Civil forum, this Criminal Revision case is dismissed. No costs.

18.08.2025

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

To

- 1.The Judicial Magistrate No.1,
Sivakasi.
- 2.The Superintendent of Police,
Madurai, Madurai District.
- 3.The Deputy Superintendent of Police,
Samayanallur,
Madurai District.
- 4.The Inspector of Police,
Municipal Crime Bracnch,
Madurai City.



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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