



Crl.O.P.(MD) No.18571 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18571 of 2025

S.Vijayakani

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.150 of 2015)

2.M.Rajesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records and set aside the order dated 25.01.2022 in L.F.No.381 of 2022 in Crime No.150 of 2015 passed by the learned Judicial Magistrate No.III, Fast Track Court, Tirunelveli and consequently direct the first respondent to complete the investigation in Crime No.150 of 2015.

For Petitioner : Mr.A.Sivasubramanian

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed seeking to set aside the impugned order dated 25.01.2022 passed by the learned Judicial Magistrate No.III, Fast Track Court, Tirunelveli, in L.F.No.381 of 2022 in Crime No.150 of 2015, whereby the FIR filed by the petitioner for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860, was closed on the ground that the final report had not been filed and that the taking of cognizance of the offence was barred by limitation under Section 468(2)(b) of the Code of Criminal Procedure, 1973.

2. The learned counsel for the petitioner would submit that the impugned order cannot be sustained, as the offence under Section 420 of the Indian Penal Code, 1860, is punishable with imprisonment for a term of seven years, and therefore, there is no limitation to take cognizance of the offence.

3. The learned Additional Public Prosecutor for the first respondent would submit that the allegations in the FIR in Crime No.150 of 2015 disclose a dispute which is civil in nature, and that the action was dropped on 25.09.2016.



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4. The learned counsel for the petitioner would submit that no notice was served on the petitioner with regard to the closure of the case.

5. This Court finds that the reason given by the learned Judicial Magistrate for closing the FIR is flawed. The offences alleged by the petitioner are punishable under Sections 406 and 420 of the Indian Penal Code, 1860. Therefore, there is no limitation for taking cognizance of those offences.

6. However, it is seen that the first respondent had found that the allegations in the FIR are civil in nature and had closed the case as 'Action Dropped'. Admittedly, the first respondent had not issued any notice to the petitioner.

7. The Court has perused the FIR to ascertain whether any cognizable offence is made out. It is seen from the allegations that the petitioner and the second respondent herein had entered into an agreement, and the third respondent had agreed to purchase the lorry belonging to the petitioner for a sale consideration of Rs.7,50,000/- on 15.10.2014, paid a sum of Rs.50,000/- as advance, and took possession of



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the lorry. Thereafter, the second respondent neither paid the balance sale consideration nor returned the lorry. The allegations disclose only a monetary dispute and do not suggest the commission of offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860. Therefore, this Court is of the view that no useful purpose would be served by setting aside the impugned order and reviving the proceedings.

8. With the above observations, this Criminal Original Petition is disposed of.

29.10.2025

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate No.III,
Fast Track Court, Tirunelveli.
- 2.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SUNDER MOHAN, J.



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