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Crl.R.C.No.108 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

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THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.108 of 2026

R.Mohammed Thameemullah

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Petitioner

Vs.

1.The Commissioner
of Police, Vepery,
Chennai – 600 007.

2.State Rep. By
Inspector of Police,
CCB Vepery,
Chennai.

3.Abdul Fareed Khan

4.Abdul Gaffar Khan

...

Respondents

Prayer: Criminal Revision Petition filed under Sections 438 and 442 of BNSS Act, 2023, to call for the records and set aside the order passed by the learned Magistrate CCB CBCID Court, Egmore, Chennai in Crl.M.P.No.14347/2025 dated 15.10.2025 in dismissing the petition filed by the petitioner U/s.175 of BNSS Act and direct the 1st respondent to register FIR.

For Petitioner : Mr.T.K.Suriyaprakash

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)
for R1 & R2



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ORDER

The Revision challenges the dismissal of the petitioner's application filed under Section 175(3) of BNSS.

2.The gist of the petitioner's case against the proposed accused is that the petitioner and the proposed accused were closely related to each other; that the proposed accused made false representation to the petitioner, deceiving the petitioner and made him invest in the company run by the proposed accused; that the petitioner's brother had transferred Rs.55,83,000/- to the account of the first proposed accused and that thereafter, the petitioner had paid a sum Rs.4,17,000/- in cash to the first and second proposed accused in the year 2021; that the proposed accused promised to pay the profit amount of Rs.40,00,000/- along with the invested amount of Rs.60,00,000/-; that they have issued cheques and requested the petitioner not to present the cheques; that thereafter, the proposed accused have neither returned the invested money nor had shared the profits; that thereafter, an MOU was entered into between the parties on 25.06.2025 in the presence of witnesses, by which the proposed accused agreed to repay the said sum; and that the proposed accused forcibly took the cheques from the possession of the petitioner and also abused the petitioner in filthy language.



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3.The learned Magistrate dismissed the petition seeking registration of the FIR on the ground that the company is not arrayed as an accused; that there is no proof of investment of Rs.60,00,000/-; and that the offences are not made out.

4.The learned counsel for the petitioner would vehemently submit that the allegations of cheating are made out and that the learned Magistrate ought to have directed registration of FIR.

5.It is seen from the complaint that the petitioner and the proposed accused are closely related to each other. The alleged transaction took place in the year 2021. The parties have since entered into an MOU on 25.06.2025. It appears to be a case of business transaction and the allegations with regard to threat also appears to be improbable and it is well settled that unless there is real threat, criminal intimidation is not made out. Though the reasons arrived by the learned Magistrate for dismissing the petition, namely that the complaint has been filed without impleading the company may not be correct, this Court is of the view that since no cognizable offense has been made out, the final decision arrived at by the learned Magistrate cannot be faulted.

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SUNDER MOHAN, J.

Tsg

6.Hence, the Revision is dismissed.

30.01.2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
Tsg

To

1.The Magistrate
CCB CBCID Court, Egmore, Chennai.

2.The Commissioner
of Police, Vepery,
Chennai – 600 007.

3.State Rep. By
Inspector of Police,
CCB Vepery,
Chennai.

4.The Public Prosecutor,
Madras High Court.

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