



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 293 of 2026

Boopeshkupta
S/o. Ramalingam,
Mariyamman Koil Street.
Krishnapuram Village,
Kumbakonam Taluk,
Thanjavur District.

..Petitioner(s)

Vs

Hariharan
S/o.Sugumardoss,
Reddiyar Street,
Kattumannarkoil,
Cuddalore District.

..Respondent(s)

Prayer: This Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to set aside the order dated 14.11.2025 made in CrI.M.P.No.84 of 2025 on the file of the District Munsif cum Judicial Magistrate, Kattumannarkoil by allowing this Criminal Revision Petition.

For Petitioner(s):

Mr.K.Sudhakar

ORDER

The Revision challenges the dismissal of the petitioner's complaint filed under Section 223 BNSS alleging commission of offences under Sections 127(2), 303(2), 351(2) of BNS.



2.The gist of the allegation is that the petitioner is a building contractor; that the accused approached the petitioner for completing the construction of his premises; that the proposed accused negotiated for a price for the said work; that the accused is liable to pay a sum of Rs.10,00,000/- for the job done by the petitioner; that the accused was evading payment of the said amount; that thereafter, the petitioner came to know that the accused had removed the tools belonging to the petitioner, which was kept for the purpose of construction; and also committed the offences of criminal intimidation, when the petitioner questioned the accused.

3.It is seen from the impugned order that the said complaint was dismissed as it only discloses breach of contract between the petitioner and the accused and that the petitioner had not substantiated his allegations that the respondent had removed the construction materials from the premises.

4.The learned counsel for the petitioner would submit that the allegation of criminal intimidation are made out and that the accused had removed the materials of the petitioner and that amounts to theft.

5.Admittedly, there was a contract between the petitioner and the proposed accused. The dispute is essentially relating to the breach of the said



contract. The complaint has been filed alleging non-payment of the amount due under the contract. The said allegation would not constitute any cognizable offence. The other allegation is that the respondent had committed theft of construction tools from the site. It is seen that the petitioner had not substantiated the said allegation in any manner. The witnesses examined by the petitioner before the trial Court are of no avail to the petitioner. In fact, the FIR that was registered on the petitioner's complaint in Crime No.78 of 2025 was closed as mistake of fact. The alleged threat made by the respondent on the face of it does not appear to be real. Therefore, this Court is of the view that the petitioner by filing the complaint had sought to give a criminal colour to a civil dispute.

6.The learned Magistrate after elaborately considering all the submissions and the witnesses examined on the side of the victim and the petitioner found that the allegations only disclose a civil dispute. Therefore, this Court does not find any infirmity in the impugned order.

7.Accordingly, the Criminal Revision Petition is dismissed.

10-02-2026

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

TSG



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To

The District Munsif cum Judicial Magistrate,
Kattumannarkoil

CRL RC No. 293 of 2



SUNDER MOHAN, J.

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CRL RC No. 293 of 2026

10-02-2026