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CRL RC No. 632 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 632 of 2026

1.Mr.Varadharajan

2.Mr.Sundar Rajan

..Petitioner(s)

Vs

1.Bama @ Sathiya Bama

2.The Inspector of Police,
Sirkali Police Station,
Mayiladuthurai District.

..Respondent(s)

Criminal Revision Case filed under Section 438 of BNSS Act,
praying to call for the records in connection with CrI.M.P.No.1425 of 2025
dated 09.02.2026 passed by the learned Judicial Magistrate Court, Sirkali,
and set aside the same.

For Petitioners : Mr.V.Parthiban

For R2 : Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)



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CRL RC No. 632 of 2026

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate Court, Sirkali in Crl.M.P.No.1425 of 2025 dated 09.02.2026.

2. The case of the prosecution is that the petitioner/de facto complainant had entered into a sale agreement with A1 in respect of certain agricultural land. Believing his representation that he was the owner of the property. Based on such representation, the petitioner and her family members paid substantial amounts to A1 and other accused persons. Subsequently, it came to light that A1 was not the owner of the property and that A2 to A4 were the actual owners, who had sold the property to a third party. It is alleged that the accused persons, in furtherance of their common intention, had cheated the petitioner and obtained money by false representation. Despite lodging complaints before the respondent police, no FIR was registered, which led to filing of a petition under Section 156(3) Cr.P.C., and the same was allowed by the learned Magistrate.



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3. The learned counsel for the petitioner would contend that, as per the judgment of the Hon'ble Supreme Court reported in **(2026) 2 SCC 622 (*Om Prakash Ambadkar Vs. State of Maharashtra and Others*)**, the submissions made by the police officer have to be considered, and in the present case, the concerned police is Sirkali Police, whereas the report was received from the District Crime Branch, and based on the same, the learned Magistrate has passed the impugned order.

4. The learned counsel for the petitioner would further rely upon paragraph 6 of the impugned order, wherein a reference is made that the concerned police had earlier dropped the complaint given by the de facto complainant on the ground of non-cooperation. However, according to the learned counsel, the learned Magistrate did not consider the same. It is a well-settled principle of law that under Section 156(3) of Cr.P.C., the role of the learned Magistrate is to ascertain whether any cognizable offence is made out.

5. Though the learned counsel relied upon the judgment in ***Om Prakash Ambadkar vs. State of Maharashtra and others***, his contention is



CRL RC No. 632 of 2026

WEB COPY

that the learned Magistrate relied upon the statement of some other police and not the Sirkali Police. However, merely because the case was enquired into by the District Crime Branch, it does not militate its sanctity as contemplated under Section 156(3) of Cr.P.C. As rightly observed by the learned Magistrate, on perusal of the allegations, a cognizable offence is made out. Therefore, this Court does not find any infirmity in the order passed by the learned Magistrate.

6. Accordingly, the Criminal Revision Case stands dismissed.

13-03-2026

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CRL RC No. 632 of 2026

To

- 1.The Inspector of Police,
Sirkali Police Station,
Mayiladuthurai District.
- 2.The Public Prosecutor,
High Court of Madras.



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CRL RC No. 632 of 2026

C.KUMARAPPAN J.

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CRL RC No. 632 of 2026

13-03-2026

Page 6 of 6