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Crl.R.C.No.1459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.1459 of 2023

Senthil

...Petitioner

-Vs-

1.Kesavan
2.Ramasamy

3.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

...Respondents

PRAYER: Criminal Revision Petition is filed under Sections 397 & 401 of Cr.P.C, praying to allow the above criminal revision petition by setting aside the order dated 25.05.2023 made in Crl.M.P.No.7402 of 2022 on the file of the learned Judicial Magistrate No.II, Dharmapuri.

For Petitioner	:	Mr.M.Baskaran
For R1	:	Mr.G.K.Sekar
For R2	:	Mr.D.Praveen
For R3	:	Mr.R.Vinoth Raja, Government Advocate (Crl.Side)



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4. Since the police did not take any action, the petitioner approached the learned Magistrate by filing a petition under Section 156(3) of Cr.P.C. The learned Magistrate, upon consideration, found that the complaint discloses only certain monetary transactions between the petitioner and his lawyer, namely the first respondent herein, and that no cognizable offence has been made out.

5. The learned Magistrate further held that the offences under Sections 294(b), 465, 468, 406, 417, 447, 448 and 506(ii) of IPC are not attracted, as the alleged occurrence did not take place in a public place and there was no real threat.

6. Learned counsel for the petitioner submitted that the allegations constitute cognizable offences and that the learned Magistrate erred in dismissing the petition.

7. Learned counsel for the first respondent, however, submitted that the second respondent had initiated proceedings under Section 138 of the Negotiable Instruments Act against the petitioner herein, and that a



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settlement was arrived at between the parties, by which the petitioner had agreed to pay a sum of Rs.5,93,000/- in full and final settlement of all claims made by the second respondent. It was further submitted that the petitioner had agreed not to file any further complaint against the respondents. A copy of the settlement agreement was also produced for perusal.

8. This Court finds that the allegations predominantly relate to monetary transactions between the petitioner and his lawyer / first respondent herein. The allegations, at best, disclose breach of promise or negligence in service, which cannot be agitated through criminal proceedings.

9. There is no allegation to attract the offence under Section 294(b) of IPC, as the complaint does not disclose that the respondent uttered any obscene words or committed any obscene act in a public place. The allegation of threat also does not disclose any real threat as contemplated under law.

10. Further, it is seen that the parties have since arrived at a settlement in the proceedings initiated by the second respondent in S.T.C.No.1303 of 2021.



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11. For the above reasons, this Court finds no infirmity in the impugned order passed by the learned Magistrate.

12. Accordingly, this Criminal Revision Case stands dismissed.

02.02.2026

cda

To

1.The Judicial Magistrate No.II, Dharmapuri.

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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