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CRL RC No. 1262 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-02-2026**

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**CRL RC No. 1262 of 2025**

C.Nandakumar

Petitioner

Vs

1. K.Sam Ashok Kumar

2. A. Pandian

Respondents

**PRAYER** This Criminal Revision Case is filed under Section 438 r/w. 442 of BNSS, 2023, to set aside the order passed in Crl.M.P.No.59142 of 2024 on the file of II Metropolitan Magistrate Egmore, Chennai-8, and order for fresh investigation by the Deputy Commissioner of Police, Chetpet, Egmore, Chennai-8, the 1<sup>st</sup> respondent and to submit a final report before this Court.

For Petitioner: Mr.N.Sampath

For Respondent: Mr.R.Senthil Kumar

**ORDER**

The Criminal Revision challenges the dismissal of petitioner's application filed under section 156(3) I.P.C., seeking registration of the complaint filed by the petitioner for the offences of forgery and cheating.

2. It is the case of the petitioner that the respondents had violated a construction agreement by using cheap materials and also materials of lesser



specification, contrary to their agreement and therefore is guilty of the offences of cheating and forgery.

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3. The learned II Metropolitan Magistrate Egmore, has dismissed the said petition on the ground that the allegations even if accepted to be true would at best reveal deficiency in service and breach of contract; and that the offences of cheating and forgery, has not been made out.

4. The learned counsel for the petitioner would submit that one of the Engineers had admitted that the proposed accused had used cheap materials and also the specifications were not as agreed upon by them and therefore the respondents / proposed accused had committed forgery and cheating.

5. This Court is of the view that all these issues cannot be decided by the Police. The question as to whether the proposed accused had violated the terms of agreement by using cheap quality materials and materials of lesser specifications, cannot be adjudicated by the police. Therefore, there is no infirmity in the impugned order passed by the learned Magistrate. It is needless to say that it is for the petitioner to seek appropriate remedy before the civil forum. It is reported that a civil suit has also been filed by the petitioner and hence the petitioner may pursue the suit.



6. With the above observation, the Criminal Revision Cases stands dismissed.

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vum

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1. The II Metropolitan Magistrate,  
Egmore, Chennai 600 008.



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**SUNDER MOHAN J.**

vum

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