



WEB COPY

CRL RC No. 1818 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-01-2026**

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**CRL RC No. 1818 of 2025**

1. Haribabu

Petitioner(s)

Vs

1. State rep by the Inspector of Police  
District Crime Branch, Cuddalore District

Respondent(s)

**PRAYER**

To set aside the order dated 28.07.2025 in CrI.M.P.No.505 of 2025 in CC.No.66 of 2024 on the file of the Judicial Magistrate, Tittakudi

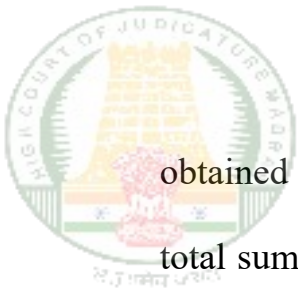
For Petitioner(s): Mr.M.Mariappan

For Respondent(s): Mr.R.Vinothraja,  
Government Advocate (CrI.Side)

**ORDER**

The Criminal Revision Case challenges the dismissal of the discharge petition in CrI.M.P.No.505 of 2025, dated 28.07.2025, filed by the petitioner, who is facing prosecution under Sections 406 and 420 of IPC.

2. The gist of the allegation against the petitioner is that the petitioner had made a false representation to the defacto complainant stating that he had



obtained a loan from a nationalised bank and, on such representation, received a total sum of Rs.7,18,470/- from the defacto complainant; that thereafter, he had paid a sum of Rs.2,50,000/- and had cheated the defacto complainant of a sum of Rs.4,68,470/-.

3. The Trial Court found that the question as to whether the petitioner had deceived the defacto complainant and obtained Rs.7,18,470/- has to be adjudicated only before the Trial Court and, therefore, the discharge petition cannot be entertained.

4. The learned counsel for the petitioner would submit that the petitioner had established that he had not cheated the defacto complainant; and that a substantial money was returned to the defacto complainant and, therefore, the impugned prosecution under Sections 406 and 420 of IPC would not be maintainable.

5. The learned Government Advocate (Crl. Side), *per contra*, would submit that the charges were framed and the defacto complainant was examined as P.W.1; and that the allegation discloses the commission of offences against the petitioner and, therefore, the points raised by the petitioner have to be adjudicated only before the Trial Court.



6. This Court finds from the impugned order that the learned Judge has considered the submissions of the petitioner and has held that the factual disputes cannot be decided in a discharge petition. The Trial Court is, therefore, justified in dismissing the discharge petition. The defence of the petitioner cannot be considered at this stage. It is open to the petitioner to raise all his defences before the Trial Court. The Trial Court shall consider the same at the time of trial, without being influenced by any of the observations made in the impugned order and the observations made by this Court in this order.

7. In the meanwhile, the personal appearance of the petitioner before the learned Judicial Magistrate, Tittakudi, in CrI.M.P.No.505 of 2025 is dispensed with (provided he is represented by a lawyer), except when his personal appearance is required by the learned Judicial Magistrate, Tittakudi, for the progress of the trial. If the petitioner fails to comply with the directions of the learned Judicial Magistrate, Tittakudi, the above order shall stand vacated without further reference to this court.

8. With the above observations, the Criminal Revision Case is dismissed.

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

**05-01-2026**



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To

1. Learned Judicial Magistrate, Tittakudi.
2. The Inspector of Police, District Crime Branch,  
Cuddalore District.

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**SUNDER MOHAN J.**  
skr

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**05-01-2026**