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CRL RC No. 2100 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2100 of 2025

AND

CRL MP NO. 19499 OF 2025

Shantharam Baskar Devar
S/o. Baskar,
No.G1, Thiruvengkatam Enclave, 3rd
Street, Porur Gardens Phase-1, Porur,
Vanagaram, Chennai-600095.

Petitioner(s)

Vs

1. L.Revanth
S/o. Lakshmi Narayanan, No.3/7,
Slevaganapthy Koil Street Extension,
Ullagaram, Chennai-600117.

2.The State rep by Inspector of Police
S-7, Madipakkam Police Station,
Chennai.

Respondent(s)



CRL RC No. 2100 of 2025

PRAYER

To call for the records relating to the Judgement passed by the JM No.II, Alandur in Crl.M.P.No.3608 of 2024 dated 24.02.2025 and set aside the same and allow the revision.

CRL MP No. 19499 of 2025

PRAYER

To stay all further proceedings pursuant to the order passed in Crl.M.P.No.3608 of 2024 dated 24.02.2025 by the JM No.II, Alandur till the disposal of the Revision Petition.

For Petitioner(s): Mr.S.Raghuman

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)
For R2
Mr.G.V.Sridharan for R1

ORDER

Challenging the impugned order passed by the Judicial Magistrate No.II, Alandur in Crl.M.P.No.3608 of 2024 dated 24.02.2025, the petitioner/1st accused preferred this Criminal Revision Case.

2. Before the trial court, the 1st respondent/defacto complainant filed a petition under Sec.175(3) of B.N.S.S. praying to take necessary action against two accused viz., (1) Shantharam Baskar Devar and (2) Kanda Subramanian and the said petition was allowed by the trial judge directing the respondent



police to register the case and file a report against the accused persons.

Aggrieved that order, the 1st accused/Shantharam Baskar Devar preferred this Criminal Revision Case.

3. The learned counsel for petitioner would submit that before taking cognizance of offence, the trial judge ought to have given opportunity to the petitioner, but without availing such opportunity, the trial judge directed the 2nd respondent police to register the case such is illegal and the same is liable to be set aside. Further, he would also argues that the trial judge mechanically passed the order without giving opportunity as prescribed under Sec.223 of B.N.S.S. He would also pointed out that the 2nd respondent police has no jurisdiction to conduct the investigation, since based on the account transfer, the jurisdiction of Inspector of Police, Velacherry Police Station alone attracts. Further, he would also submit that at the time of filing the petition, a preliminary enquiry is pending before the 2nd respondent, but without considering the same, the trial judge had passed an order to register the F.I.R. as such is erroneous one and liable to be set aside.

3. The learned counsel for 1st respondent/defacto complainant appeared and submitted that the defacto complainant and his mother were introduced to this petitioner through their own auditor, Kanda Subramanian/A2. As the defacto complainant met with an accident and conducted the compensation



claim before the M.A.C.T. Tribunal and with interest, he received the compensation of Rs.1,69,00,000/-, since his right leg was totally amputated. On coming to know about the said compensation award, his auditor/A2 had introduced A1 to this petitioner stating that he would give fancy interest. Believing that, an amount of Rs.63,00,000/- was sent through bank transfer to this petitioner/accused, to that effect he produced dates and amounts of RTGS transfer along with his petition from Sl. No.1 to Sl.No.17, dates and amounts. On receiving the same, the petitioner/1st accused neither given fancy interest nor repaid the amount inspite several requests made by 1st respondent/defacto complainant. Therefore, he gave a complaint before the Assistant Commissioner of Police, Madipakkam on 10.09.2024 and the same was transferred to 2nd respondent police, who assigned C.S.R.No. 806 of 2024 on 10.09.2024. They have conducted enquiry, for which, the accused have also attended, but there is no further progress. Therefore, the 1st respondent/defacto complainant has lodged a private complaint before the trial court with all the particulars of RTGS transfer along with the copy of complaint given to the police. On perusal of prima facie materials, the trial judge has found that there is sufficient materials to take cognizance of offence as against the accused persons and rightly allowed the petition. Therefore, there is no irregularity in the order passed by the trial judge. Hence, he prayed to dismiss this Criminal Revision Case as no merit.



4. Heard and considered rival submissions made by learned counsel for petitioner, learned counsel for 1st respondent and learned Government Advocate (Crl. Side) for 2nd respondent and perused the materials available on record.

5. Considering both side submissions, the fact reveals that the 1st respondent/defacto complainant has met with an accident and his right leg was completely amputated and also having locomotor disability. Considering that, he received compensation of Rs.1,67,00,000/- along with interest and on the advise of his auditor/2nd accused, the present petitioner was introduced. Believing the words of 2nd accused stating that the petitioner/1st accused would return fancy interest, the 1st respondent/defacto complainant was made to invest a sum of Rs.63,00,000/- and all those amounts were transferred to this petitioner on the guidelines of Auditor/A2 through nearly about 17 transactions. The amount as well as bank particulars were enclosed along with the petition. Furthermore, the police authority has conducted enquiry and the petitioner has also attended the enquiry. So, he is aware of the proceedings. On perusal of the bank transaction, which was sufficiently produced by the 1st respondent/defacto complainant, the trial judge has found that there is prima facie materials to take cognizance of offence and accordingly, allowed the petition and directed the respondent police to investigate the case, which needs no interference of this court.



6. At the time of argument, the learned counsel for 1st respondent/defacto complainant has stated that based on his complaint, the 2nd respondent police registered the F.I.R. in Crime No.753 of 2025 for an offence under Sec.316(2) and 318(2) of B.N.S.S., for which both the accused have filed petitions seeking for anticipatory bail in Crl. O.P.No. 21811 of 2025 by A2 and in Crl.O.P.No. 22119 of 2025 by this petitioner, wherein this petitioner agreed to deposit a sum of Rs.20,00,000/- and 2nd accused agreed to deposit a sum of Rs.10,00,000/-. Further, they have also agreed that they have no objection for the defacto complainant to receive the amount deposited by them in the crime No.753 of 2025. Subsequently, that amount also been deposited and the anticipatory bail was availed by both the accused. But, the fact reveals that 2nd accused filed a petition before this court raising objections for the withdrawal of the amount. For that, he has sought modification. Considering that condition was modified and not permitted the defacto complainant to withdraw the amount. So, as on date, a sum of Rs.30,00,000/- is lying in the credit of Crime No.753 of 2025 without permission for withdrawal to the defacto complainant. However, the 2nd accused alone approached the court for modification, but this petitioner has not raised any objection. Hence, considering the facts and circumstances of the case, the reasons made by the petitioner as such is not maintainable, which is also rightly held by the trial judge, which needs no interference. The 1st respondent/defacto complainant is permitted to withdraw a sum of Rs.20,00,000/- deposited at the time of availing anticipatory bail, since this



petitioner has agreed for withdrawal of the said amount by filing an undertaking affidavit.

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7. Considering the conduct of 2nd accused, though he is not a party to the proceedings, at the time of availing bail, he has submitted that he has no objection to withdraw the said amount of Rs.10,00,000/-, but contrary to that, again he filed modification and without disclosing all the facts, obtained order from this court not to disburse the amount to the 1st respondent/defacto complainant as such is a clear case of abuse of process of law. Hence, this Court, considering the conduct of 2nd accused, the anticipatory bail granted to him is liable to be cancelled as he failed to comply the condition made before this court. Accordingly, the anticipatory bail granted by this court to the 2nd accused CrI.O.P.No.21811 of 2025 is cancelled. Consequently, this Criminal Revision Case is also dismissed.

8. Furthermore, the learned counsel for petitioner also pointed out that the trial court passed the order on 12.02.2025 in CrI.M.P.No. 3608 of 2024, but on the top of the order, the date was mentioned as 24.02.2025 instead of 12.02.2025. Based on that, in the F.I.R., the same date was reflected in it. Hence, he prayed to rectify the date of order and correct date of order is 12.02.2025 when the trial judge had signed the order.



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9. Already this petitioner deposited the amount of Rs.20,00,000/- (Rupees twenty lakhs only) without prejudice to his defence. On receipt of petition, the trial judge is directed to pay the amount to the 1st respondent/defacto complainant within a period of two weeks from the date of receipt of copy of this order. The 2nd respondent police is directed to secure the 2nd accused.

10. Moreover, considering the fact that there is possibility of settlement between the parties, this Court is inclined to refer the matter for mediation to Tamil Nadu Mediation and Conciliation Centre, Chennai. The Tamil Nadu Mediation and Conciliation Centre is directed to issue notice to both the parties and to take up the matter for not less than three hearings. Mr.Saikrishnan is appointed as Mediator. Both the parties are directed to appear before the Mediation without fail on 18.11.2025.

27-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To



1. Judicial Magistrate No.II, Alandur.

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2. Inspector of Police

S-7, Madipakkam Police Station, Chennai.

3. The Public Prosecutor, High Court, Madras.

4. The Secretary, Tamil Nadu Mediation and Conciliation Centre, Chennai.



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T.V.THAMILSELVI J.

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