



Crl.R.C.No.34 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.34 of 2026

Varadharaj

... Petitioner

Vs.

1. The Station House Officer,
Villianur Police Station,
Villianur, Puducherry – 605 110.

2. Ariyaselvam

... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w 438 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 19.09.2025 made in Crl.M.P.No.3221 of 2024 on the file of the learned Judicial Magistrate – II, Kallakurichi and direct the respondent police to register the case against the proposed accused based on the petitioner complaint dated 24.04.2023 and 21.06.2024 by allowing this revision petition.

For Petitioner : Mr.K.Vijayaragavan

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl. Side)

ORDER



WEB COPY

The revision challenges the dismissal of the petitioner's application dated 19.09.2025 passed by the learned Judicial Magistrate – II, Kallakurichi in Crl.M.P.No.3221 of 2024 filed under Section 175(3) BNSS, directing the respondent police to register an F.I.R on the petitioner's complaint.

2. The gist of the allegation in the petitioner's complaint is that the petitioner and the proposed accused were known to each other; that the proposed accused approached the petitioner for a loan of Rs.3,00,000/- since he had certain financial constraints; that the petitioner therefore lent a sum of Rs.3,00,000/- on 09.07.2022; that the proposed accused issued three cheques, each for Rs.1,00,000/- dated 23.11.2022; that the said cheques when presented for collection, were returned as "Funds Insufficient"; that the proposed accused had thereby committed cheating; that when the petitioner demanded the return of the amount, the proposed accused scolded the petitioner in filthy language. Since the petitioner's complaint was not registered by the respondent, the petitioner filed a petition under Section 175(3) of BNSS before the learned Magistrate seeking registration of FIR on



his complaint.

WEB COPY

3. The learned Magistrate dismissed the said petition on the ground that the allegations did not constitute the offences under Sections 420, 406 IPC, 294(b) or 506(ii) IPC and that the complaint was lodged only because the petitioner's complaint under Section 138 of the Negotiable Instruments Act, 1881 had been quashed by this Court under Section 482 Cr.P.C.

4. The learned counsel for the petitioner would submit that the respondent had deceived the petitioner and obtained a loan; since the offence of cheating is made out, the complaint ought to have been registered. The learned counsel further submitted that in any case, the proposed accused is guilty of the offences under Sections 506(ii) IPC and 294(b) IPC.

5. Admittedly the petitioner and the respondent were known to each other for several years before he lent a sum of Rs.3,00,000/-. There is no averment in the complaint stating that the respondent had made any false



Crl.R.C.No.34 of 2026

representation. The allegation is that the proposed accused had obtained loan and failed to repay the same. It only discloses a breach of promise and no deception is made out. That apart, the allegations with regard to the alleged threat and filthy abusing the petitioner are vague. It is well settled that unless there is a real threat, the offence under Section 506(II) IPC would not be made out. Section 294 (b) IPC would be made out only if an obscene word is uttered or an obscene act is committed in a public place. There is no such allegation in the complaint. Therefore, this Court is of the view that the learned Magistrate was justified in rejecting the petitioner's application.

6. Hence, this Criminal Revision Case is dismissed.

08.01.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Mac

SUNDER MOHAN, J.

Mac

To

1. The Judicial Magistrate – II, Kallakurichi



Crl.R.C.No.34 of 2026

WEB COPY

2. The Station House Officer,
Villianur Police Station,
Villianur, Puducherry – 605 110.
3. The Public Prosecutor,
Madras High Court, Madras.

Crl.R.C.No.34 of 2026

08.01.2026