

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II , DINDIGUL.

**Present: Thiru. C.Dinesh Kumar , B.A.LL.B(Hons)., LL.M.,
Judicial Magistrate No.II Dindigul.**

Thursday the 12th day of March 2026

C.R.M.P.No. 2814/2025

CNR.NO.TNDG03-005780-2025



P. Ramayammal, (45/2025),
D/o. Palanichamy,
40, Tamilnadu Housing Board,
Near Union Office,
Dindigul Town.

... Petitioner/Complainant

/ Vs./

V. Sundaram, (50/2025),
S/o. Valliyappan,
143, MVM Nagar, 3rd Street,
Old Karur Road,
Dindigul.

... Accused

The Inspector of Police,
Town North Police Station,
Dindigul.

...Respondent

This petition had been filed U/s.175(3) of BNSS Act on 21.07.2025 by Petitioner / Complainant counsel Thiru. V. Krishnan, B.Sc., B.L., Upon perusal of case records, this court delivers the following.

ORDER

U/S. 175(3) BNSS

1. The petitioner had filed his affidavit in support of the allegations made in the petition. Perused the materials placed on record, Heard the counsel for the petitioner.

2. It is stated in the petition filed by the petitioner that, the petitioner's had

borrowed amount of Rs.2,00,000/- in total through various dates from the respondent. It is also agreed between them that the interest would be paid for each month. And the respondent had obtained Pro-Note, Two cheque leaves belongs to SBI Bank and the ATM card and the bond for the amount of Rs.3,00,000/- which is in the name of petitioner's daughter and it is also stated that, the petitioner had repaid on amount of Rs. 10,00,000/- to the respondent. It is further stated that, the respondent had used the petitioner ATM card and withdraw the amount of Rs. 28,000/- on 31.12.2024 and it was known by petitioner through SMS. Hence the petitioner had enquired the respondent but he threatened with dire consequences. And so the petitioner had lodged the complaint at Town North Police Station on 31.12.2024 and CSR No and also obtained. And after the investigation by the police the respondent had handed over ATM card. But thereafter the respondent had filled the cheque for an amount of Rs.2,40,800/- in post dated and presented the cheque in the bank and the same was returned for insufficient fund and legal notice also send by the respondent.

3. It is further stated in the petition that, since the petitioner is the government employee, with the indention to cheat the petitioner the respondent had forgedly filled the particulars in the cheque and committed an offence of criminal breach of trust. It is also further stated that, the bond for an amount of Rs. 3,00,000/- and another cheque leaf was also in the possession of respondent. While the petitioner had enquired the respondent to return back the bond and cheque, he threatened the petitioner. Hence the petitioner gave the complainat before the superintendent of police on 15.04.2025 and the same has been forwarded to Town North Station, but there was no action taken till now.

4. Hence petitioner prays that all the respondent were committed an offence U/s. 296(b), 336(3), 318(2), 351(2) of BNS and liable to be punished.

5. Heard and after perusal of records and the reply given by the police, this

court finds that, there is no any cognizable offence could be made out and there is no prime facie case to proceed against the respondent, as this dispute is mainly money transaction between the petitioner and respondent and moreover the petitioner himself had admitted that, she had given her ATM card, Pro-Note, Cheque leaves, as a security for the debt obtained from the respondent and the money was withdrawn by using her ATM card. And moreover upon perusal of police report and other document, it is found that after the complaint given by the petitioner on 31.12.2024, the respondent had returned back the ATM card and the petitioner had agreed to the repay the debt amount with in 2 months, but it is found that, the petitioner had not repaid the amount till now. While being so the defence taken by the petitioner that, the cheque was filled and presented by the respondent forgedly without the knowledge of petitioner is not acceptable. And moreover since the petitioner had herself admitted that, the cheque was given to respondent as a security for the debt, and hence whether the cheque was issued for legally enforceable debt or not is the defence to be taken in the appropriate forum legally. Hence this court finds that, the above said action of respondent does not reveals any cognizable offence of cheating or forgery.

Accordingly, this petition is Dismissed.

This order being dictated, typed, corrected and pronounced by me in Open Court this the 12th day of March 2026.

Judicial Magistrate No.II
Dindigul.