

IN THE COURT OF THE JUDICIAL MAGISTRATE, GUDIYATHAM

Present: R.Saranya, BA.,LLB.,(Hons).,LLM.,
Judicial Magistrate,
Gudiyatham.

On Tuesday, the 28th day of July 2026

CrI.MP.No. 458 /2026

P.Jayaprakash,
S/o. Parandhaman,
No.1/48, Bajanai Kovil Street,
Thattaparai Village and Post,
Gudiyatham Taluk,
Vellore District.

.... Petitioner

Vs

1.Thamaraiselvi,
W/o.Kuppusamy,
2.Dharani,
W/o.Kuppusamy.

.... Respondents

ORDER

1) Heard the counsel for the complainant and perused the materials placed on record. The Complainant has stated in his complaint that the accused 1 and 2 approached him for the purpose of getting a loan of Rs.1,20,000 and on 08.07-2019 through bank account the amount was sent to the 1st accused Bank a/c through transaction number ANDBN19236192720. The complainant further stated that despite repeated request the accused failed to repay the amount and so he gave complaint before police station and police enquiry was also conducted. The complainant stated that the 1st accused has sent a legal notice with false allegations on 22-09-2025. The complainant further stated that when he asked the accused persons to repay the amount, they abused him in filthy words and threatened him.

2) After examination of complainant as PW1, Exhibits P1 to P7 marked, this court issued notice to both accused, in order to give an opportunity of hearing to them before taking cognizance as mandated under BNSS.

3) Both accused appeared and received copies and filed their written objection, in which they stated that the dispute is civil in nature and further objected that the as alleged by them the loan was given in the year 2019 and so barred by limitation. It is further stated that loan alleged to be given was transferred from the account of one Deepkumar and so there is no financial transactions between the complainant and these accused persons. Hence, the complainant has no locus to file this complaint. It is further stated that they have given in writing in police station only to the effect that they will handle this case through law. And denied all other contents of the complaint and prayed to dismiss the complaint.

4) Heard both sides and record perused. On perusal of the complaint and chief affidavit filed by the complainant, nowhere the complainant stated the fact that it is Deepkumar who transferred the money to the accused persons account. In the complaint and the affidavit, the complainant cleverly stated that amount transferred through bank account. And hidden the fact from whose account the amount was transferred. The complainant concealed various facts such as who gave the money to the accused persons and the bank account from which the money was transferred. As averred in the counter on perusal of Ex.P2, in the complaint given to superintendent of police, the complainant has rightly mentioned that it is Deepkumar from Bangalore who gave money to the accused persons. Thus the complainant has no locus to file this petition. It is clearly evident that the complainant has not approached this court with clean hands and suppressed various material facts. Thus, the complaint filed by the complainant was liable to be dismissed in light of above-discussion.

In the result, petition dismissed.

This Order Dictated by me to Steno-typist and directly typed by her in computer, corrected and pronounced by me in the open court on the 28th day of July 2026.

S/d-R.Saranya.,
Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Petitioner side Witnesses:-

PW-1 Jayaprakash.

2. List of Petitioner side documents:

Ex.P-1 Bank transaction records

Ex.P-2 Complaint Petition dated 18.08.2025.

Ex.P-3 Letter submitted during the police station inquiry dated 16.09.2025.

Ex.P-4 Letter submitted in writing by the 1st Respondent during the inquiry on 16.09.2025.

Ex.P-5 Letter submitted in writing by the 2nd Respondent during the inquiry on 22.09.2025.

Ex.P-6 Legal notice from the respondents dated 22.09.2026.

3. List of Respondent side Documents and witnesses : NIL

//True Copy//

Judicial Magistrate,
Gudiyatham.