



Crl.R.C.(MD)No.306 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.306 of 2018

Muthumeenal

... Petitioner/Petitioner

vs.

P.R.Ramasamy

... Respondent/Respondent

PRAYER : This Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the judgment, dated 22.11.2017 passed in Crl.M.P.No.4071 of 2017 on the file of the learned Judicial Magistrate Court, Manapparai.

For Petitioner : Mr.AN.Ramanathan

For Respondent : Mr.PR.Boomee Rajan

ORDER

This Criminal Revision Petition is directed against the order passed by the learned Judicial Magistrate Court, Manapparai in Crl.M.P.No.4071 of 2017, dated 22.11.2017.



2.The petitioner is the de-facto complainant and lodged a complaint as against the respondent alleging that both had jointly run the jewelry shop under the name and style of “Udhaya Lakshmi Jewellery” in the year 1998. While being so on 03.12.1998, there was a theft in the shop and a complaint was lodged. The same was registered in Crime No.790 of 1998 for the offences under Sections 457 and 380 IPC. In pursuant to the registration of FIR, 170 grams of jewels were recovered and the same was deposited in R.P.No.561/1999 as gold bar. After completion of investigation, the police has filed a final report and the same has been taken cognizance by the trial Court. Before the trial Court, the respondent herein was examined as P.W.1 and filed a petition for return of jewels. It was allowed and the entire jewels were handed over to the respondent herein. However, the petitioner, who is having the share holder of the shop, has not given any jewels and as such, she demanded jewels from the respondent in respect of her ½ share. However, the respondent states that after completion of criminal trial, he will hand over her ½ share. After completion of trial in C.C.Nos.35 of 2000 and 289 of 2006, the respondent was absent and as such, the case was split up into two C.C. Though the judgment was delivered in C.C.No.289 of 2006 on 09.06.2008, the respondent has failed to return her ½ share. Therefore, all the allegations are levelled in the complaint is civil in nature. If at all the



petitioner is entitled to have ½ share in the jewel, she has to file a suit for recovery from the respondent. Therefore, no offence is made out as alleged in the complaint and that apart, the said complaint filed in the year 2017, after 19 years from the returning of jewels in favour of the respondent herein. Therefore, the Court below has rightly dismissed the complaint and this Court finds no illegality or infirmity in the order passed by the Court below.

3. Accordingly, this Criminal Revision Petition is dismissed.

30.03.2023

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NCC : Yes/No

Index: Yes/No

Internet: Yes/No

To

1. The Judicial Magistrate Court, Manapparai

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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