



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2015

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

WEB COPY

Criminal Revision Case (MD)No.403 of 2015

Manavalan

.. Petitioner/Petitioner

Vs.

1.Saminathan

2.Ramsankar

.. Respondents/Respondents

Revision is filed under Section 397 r/w 401 Cr.P.C. to call for the records with respect to proceedings in Cr.M.P.No.15107 of 2013 on the file of the Judicial Magistrate, Kumbakonam and to set aside the order dated 17.12.2013.

For Petitioner : No Appearance

For Respondents : Mr.G.Gomathi Shankar

ORDER

The revision petitioner is not present. He is also not represented by the counsel on record.

2.The private complaint filed by the petitioner herein in Cr.M.P.No.15107 of 2013 has been dismissed by the order dated 17.12.2013.

3.The sum and substance of the complaint filed under Section 200 Cr.P.C. is that there was a construction agreement between the petitioner and the respondent and as per the agreement, the respondent did not pay a sum of Rs.18,50,000/-.

4.The Court below has made an observation that the alleged agreement between the petitioner and the respondent has not been filed before the Court.

4.1. In the memorandum of revision, it is stated in ground No.5 that the learned Magistrate has failed to take into consideration the agreement dated 17.11.2012. As per the agreement, the respondents are stated to be liable to pay balance consideration of Rs.18,50,000/-.

5.When the agreement itself is not filed before the Court, there is no question of the learned Magistrate failing to take into account the construction agreement, dated 17.11.2012.

6.Even assuming that this agreement is true, the non payment of balance payable in respect of the construction agreement would only be a civil liability on the part of the respondents and it is for the complainant to explain how a criminal offence is attracted. As there was want of explanation, the learned Magistrate has rightly dismissed the private complaint.

7.Considering the facts and circumstances of this case, this Court is of the view that the dismissal of the complaint is perfectly justified and there are no grounds to interfere. Hence, the Criminal Revision



Petition is liable to be dismissed. Accordingly, the same is dismissed.
Sd/-

Assistant Registrar(Per.Admin)

/True copy/

WEB COPY

Sub Assistant Registrar

Rj2

To

1. The Judicial Magistrate, Kumbakonam.

+one cc to Mr.G.Gomathi Sankar, Advocate in SR.No.55512

Cr1.R.C. (MD) No.403 of 2015
21.09.2015

CSL/AN-MP/12.10.2015

2p/3c