

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.158 of 2014

E.Velu
S/o.Eganathan

.. Petitioner

vs.

1.State by
Inspector of Police,
S-15 Selaiyur Police Station,
Selaiyur, Chennai - 600 073.

2.V.Vidya
W/o.Venkatesh Prasad

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Tambaram, passed in CrI.M.P.No.1822 of 2010 in C.C.No.203 of 2010 on 12.07.2011.

For Petitioner : Mr.R.U.Dinesh Rajkumar

For Respondents : Mr.M.Mohammed Riyaz
Government Advocate (CrI.side)[R1]
Mr.V.Vidya,
Party-in-Person [R2]

ORDER

This revision arises against the order of learned Judicial Magistrate, Tambaram, passed in Crl.M.P.No.1822 of 2010 in C.C.No.203 of 2010 on 12.07.2011.

2. The case of the prosecution is that on 05.10.2009 at about 11.00 a.m., while petitioner/*de facto* complainant approached second respondent/accused and demanded return of money, she abused the petitioner using filthy language as also issued life threats. On the complaint of petitioner/*de facto* complainant, a case was registered in Crime No.1247 of 2009 on the file of first respondent. Upon completion of investigation and filing of charge sheet informing commission of offences u/s.406, 420, 294(b) and 506(ii) IPC, the case was taken on file in C.C.No.203 of 2010 on the file of learned Judicial Magistrate, Tambaram. Second respondent moved Crl.M.P.No.1822 of 2010 in C.C.No.203 of 2010 seeking discharge. Court below, under the impugned order, allowed such petition and discharged the second respondent. There against, petitioner/*de facto* complainant has preferred this revision.

3. Heard learned counsel for petitioner, learned Government Advocate [Crl.side] for first respondent and the second respondent, party-in-person.

4. In allowing the discharge petition, Court below has found that the

complaint informs money transaction between parties and upon agreement, *de facto* complainant had given monies to petitioner. Any dispute there regards should be agitated before a civil forum and not in a criminal proceeding. Section 161(3) Cr.P.C. statements also did not inform how second respondent has cheated petitioner/*de facto* complainant. Hence, no offences u/s.420 and 406 IPC would be attracted. The complaint did not inform where the occurrence involving more than one accused took place and hence, no charge u/s.120(b) IPC would be alleged. While both in the complaint and First Information Report, it was alleged that a person of 5½ feet threatened *de facto* complainant at knife point, no mention regards such person has been made in the final report and hence, the charge u/s.506(ii) IPC would not stand. There was no explanation why *de facto* complainant has not approached the civil forum. This Court is of the view that the order of Court below does not warrant interference.

सत्यमेव जयते
The Criminal Revision Case shall stand dismissed.

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08.12.2016

Index:yes/no
Internet:yes
gm

C.T. SELVAM, J
gm

To

- 1.The Judicial Magistrate,
Tambaram.
- 2.The Inspector of Police,
S-15 Selaiyur Police Station,
Selaiyur, Chennai - 600 073.
- 3.The Public Prosecutor,
High Court, Madras.



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