



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD) .No.135 of 2014

C.Dhayabaran

... Petitioner/Petitioner

-Vs-

Jose Blosson

... Respondent/Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order in Cr.M.P.No.350 of 2014, dated 05.02.2014 on the file of the learned Judicial Magistrate No.I, Nagercoil and set aside the same.

For Petitioner	: Mr.M.Saravanan
For Respondent	: Mr.T.Selvakumaran

ORDER

Against the order of dismissal of a petition filed under Section 156(3) Cr.P.C, the present criminal revision case has been filed.

2.The petitioner lodged a complaint against the respondent herein, alleging that the petitioner borrowed a sum of Rs.7,50,000/- from the respondent and for security purpose, he has given a cheque for Rs.7,50,000/- to the respondent. Subsequently, he discharged the entire liability. Thereafter, forging the above cheque, as if the petitioner has given a cheque for Rs.70,50,000/-, the respondent has filed a private complaint under Section 138 of N.I Act and the same is pending in STC No.77 of 2013 on the file of Fast Tract Court No.1, Nagercoil. Subsequently, the petitioner has also filed a complaint alleging that the respondent herein forged the cheque and he wants to take action for forgery. When no action has been taken on his complaint, he has filed a petition under Section 156(3) Cr.P.C before the learned Judicial Magistrate No.I, Nagercoil, directing the police to register a case and take action.

3.Mr.M.Saravanan, the learned counsel appearing for the petitioner submitted that the petitioner has given a cheque only for



Rs.7,50,000/- for discharging his debt. However, the respondent, by forging the cheque, sent a lawyer's notice stating that the petitioner has given a cheque for Rs.70,50,000/-. Hence, the petitioner has filed the present complaint stating that the respondent has committed forgery.

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4.I have heard Mr.M.Saravanan, the learned counsel appearing for the petitioner and Mr.T.Selvakumaran, learned counsel appearing for the respondent and perused the records carefully.

5.Since the entire issue was already seized by the Criminal Court in the complaint filed by the respondent in STC.No.77/2013, unless the Criminal Court comes to a conclusion that the cheque is forged, at this stage, this Court cannot give any specific finding. Hence, I find no illegality or irregularity in the order passed by the court below. In the event of the Criminal Court gives a finding that the cheque is forged, it is always open to the petitioner to approach the respondent police and take necessary action. With the above observation, this Revision Petition is dismissed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I, Nagercoil.

+1cc to Mr.M.Saravanan, Advocate Sr.No.64157

+1cc to Mr.T.Selvakumaran, Advocate Sr.No.64224

VS

VB/SV/SAR2/19.07.2017/2P/4C

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