



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD).No.664 of 2017
and
CrI.M.P.(MD).Nos.7527 and 7528 of 2017

Dr.N.Ramamoorthy ... Petitioner/Accused

-Vs-

M.Dharmaraj Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, call for records pertaining to the impugned order dated 19.07.2017 in CrI.M.P.No.3691 of 2017 in S.T.C.No.862 of 2012 on the file of the learned Judicial Magistrate No.V, Tiruchirapalli and set aside the same.

For Petitioner : Mr.N.Karthick Kanna

O R D E R

Challenging the order passed by the learned Judicial Magistrate, No.V, Tiruchirapalli under Section 210 Cr.P.C, the present criminal revision case has been filed.

2. The case of the petitioner is that he is an accused in a private complaint filed under Section 138 of the Negotiable Instruments Act in S.T.C.No.862 of 2012, pending on the file of the learned Judicial Magistrate, No.5, Tiruchirappalli. Earlier, the petitioner said to have given a police complaint in the year 2012 before the Edamalaipatti Police Station against the respondent/complainant and the same was registered in Cr.No.123 of 2012 under Sections 147, 148, 448, 294(b), 323, 307, 386 and 506 (ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act and also Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act. Since the above complaint is pending investigation, the petitioner has filed a petition in Cr.M.P.No.3691 of 2017 before the learned Judicial Magistrate No.V, Tiruchirappalli to stay the further proceedings of S.T.C.No.862 of 2012 till the investigation in Cr.No.123 of 2012. The court below dismissed the petition on the ground that the complaint case and police case are not in respect of the same offence and hence, as per Section 210 Cr.P.C, the proceedings cannot be stayed. Challenging the same, the present revision case has been filed.



3.I have heard Mr.N.Karthick Kanna, learned counsel appearing for the petitioner and perused the records carefully.

4.On perusal of the records, it could be seen that the respondent herein filed a private complaint against the petitioner under Section 138 of the Negotiable Instruments Act and the same is pending in S.T.C.No.862 of 2012. Whereas, it could be seen that the petitioner filed a police complaint against the respondent herein on the ground that the respondent herein trespassed into the petitioner's clinic and harassed the ladies working therein and also demanded exorbitant interest for the loan advanced by the petitioner from the respondent. The complaint filed by the petitioner is totally a different cause of action and it has nothing to do with the private complaint filed by the respondent against the petitioner. The court can stay the proceedings only in the case, where complaint case and police investigation are in relation to the same occurrence, which is the subject matter of enquiry or trial held by him. In the instant case, the complaint given by the petitioner is for totally a different purpose. It does not relate with the complaint filed by the petitioner, pending before the learned Judicial Magistrate, No.V, Tiruchirapalli. Hence, the learned Judicial Magistrate, No.V, Tiruchirapalli has rightly dismissed the petition and I find no illegality or irregularity in the order passed by the court below.

5. In fine, I find no reason to interfere with the order passed by the court below. Hence, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

The Judicial Magistrate No.V
Tiruchirapalli.

+One cc to Mr.N.Karthick Kanna, Advocate, SR.No.74035

vS

RL/3c/2p/KK/SAR3/11/9/2017