



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C.(MD)No.634 of 2011

WEB COPY

Suba Shri Digital Laser Colour Lab,
Partnership Company,
Through its Partner,
S.Ganesan

... Petitioner/Complainant

-Vs-

R.Baskar

... Respondent/Respondent

Prayer : Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, against the order dated 14.06.2011 passed in Cr.M.P.No.3041 of 2011 on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi.

For Petitioner : Mr.T.Antony Arulraj

For Respondent : No appearance

ORDER

The present revision has been filed, dismissing the complaint filed under Section 156(3) of the Code of Criminal Procedure in Cr.M.P.No.3041 of 2011, dated 14.06.2011, on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi.

2.The case of the complainant is that the petitioner/complainant and the respondent entered into an agreement for the supply of Noritsu fully digital Minilab system 3203 (DMS) with triple magazine unit with accessories to the petitioner and the respondent also received a sum of Rs.3,01,000/- as advance and failed to perform the contract and thereby, cheated the petitioner. When the complaint was not considered by the Police, he has filed a petition under Section 156(3) Cr.P.C., seeking a direction to register the complaint and the same was dismissed by the Court below stating that it is only a civil dispute between the parties. Challenging the said order, the present revision has been filed.

3.Heard the learned counsel for the petitioner.

4.On perusal of the records, it is seen that there was an agreement between the petitioner and the respondent for the supply of Noritsu fully digital minilab system 3203 (DMS) with triple



magazine unit with accessories. The respondent said to have received some amount, subsequently, he failed to supply the machinery as per the agreement. Further it is seen from the records that it is the case of breach of contract and it is a civil dispute between the parties. None of the ingredients for an offence under Section 420 I.P.C has been made out in the complaint and the Court below considering the same dismissed the petition stating that it is only a civil dispute.

5. In view of the above, I do not find any illegality or irregularity in the order passed by the Court below. Hence, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

The Principal District Munsif cum Judicial Magistrate,
Karaikudi.

Crl.R.C(MD)No.634 of 2011
26.07.2017

PS/SM

KK/JC/SAR2/18.08.2017/ 2P- 2C