

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI, J.,

Cr1.R.C.No.159 of 2018

S.Arunkalaivannan

... Petitioner

Versus

1.The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
(Crime No.210 of 2016)

2.Kittusamy

3.Seerangammal,

4.Sanmugam

5.The Panchayat Board President,
Edayapatti Village,
Omalur Taluk,
Salem District.

6.The Block Development Officer,
Tharamangalam Taluk,
Salem District.

... Respondents

Criminal Revision Petition is filed under Section 397 read with Section 401 of the Criminal Procedure Code, to set aside the order in C.M.P.No.6232 of 2017, dated 02.01.2018 passed by the learned Judicial Magistrate No.II, Mettur and consequently allow the criminal revision petition.

For Petitioner

: Mr.G.Karunakaran

O R D E R

This Criminal Revision Case is filed by the petitioner herein/de-facto complainant. The de-facto complainant lodged a complaint and registered the case in Crime No.210/2016 of Jalakandapuram Police Station, in this case, the Investigation Officer has filed a negative Charge Sheet, against which the de-facto complainant filed a protest petition before the Lower Court. Thereafter, a sworn statement of complainant was recorded under Section 200 Criminal Procedure Code and totally three witnesses were examined in the enquiry, which was conducted under Section 202 Criminal Procedure Code. The statements of all the witnesses and the protest petition are carefully examined by the lower Court.

3. On a perusal of the entire records, the Lower Court could not find any prima facie material for any offence. The petitioner did not make out any case warranting trial to be required against the Accused persons under Sections 420, 468 and 109 I.P.C. The Lower Court more particularly examined the complainant. On the issue that whether the complaint makes out of cognizable offence under Section 420 I.P.C namely fraudulent or dishonest inducement of person by the accused. Since there is no prima facie material made out against the accused for the offence including Section 420 I.P.C., the Lower Court dismissed the protest petition against which this revision petition is filed.

4. I have perused the entire record as well as order of the Trial Court. A bare perusal of the same would reveal that the matter is purely Civil in nature. Thus, I don't want to interfere with the order of the learned Magistrate No.II, Mettur. Accordingly, this Court confirms the order of the lower Court and this Criminal Revision Petition is dismissed. However, liberty is given to the petitioner to work out his remedy and raise all grounds, before the Civil Court or before the appropriate forum, if the petitioner chooses to do so.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

klt

To

1.The Judicial Magistrate No.II, Mettur

2.-do-Throuh -The Chief Judicial Magistrate,
Salem

3. The Inspector of Police,
Jalakandapuram Police Station,
Salem District.

+lcc to Mr.S.T.Natramil Kaviarasan, Advocate, S.R.No.58437

CRL.RC.No.159 of 2018

VD(CO)
GSP(18/09/2018)



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