

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on :18.06.2018

Orders Pronounced on: 27.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.592 of 2018

KarunakaranPetitioner/Complainant

Vs.

1.Vivekrav

2.Perose

....Respondents/Accused

PRAYER: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order dated 30.01.2010 made in C.M.P.No.5718 of 2017 on the file of the Judicial Magistrate No.3, Coimbatore by allowing this Criminal Revision Petition.

For Petitioner : Mr.K.Sudhakar

O R D E R

The unsuccessful petitioner before the Court below, is the Revision Petitioner herein.

2. According to the complainant, the first respondent was running a Company, namely Neelima Construction Company at Goa. The first respondent was running contract works relating to cable. Since the first respondent is at Goa, and he could not look out his work in Coimbatore, he approached the petitioner to undertake the work along with one Balasubramanian. The victim deposited the amount of the complainant herein and thereafter, he will draw the amount and pay the bill to the Balasubramanian. Since he was not receiving the said amount, the first respondent asked him to pay some amount and accordingly on different dates, he has paid the amount to the tune of Rs.3,72,000/- and when asked for, he has not returned the amount and hence, the revision petitioner has preferred the complaint and the police has closed the complaint as that of civil in nature and hence, the private complaint has been laid by him.

3. On a consideration of the sworn statement of complainant and other documents, the learned Judicial Magistrate has come to the conclusion that it is only a business transaction between the complainant and the first respondent and the statement made is civil in nature reflecting credits and there is no element of cheating right from the date of transaction and only it is a default which is of civil in nature and also observed that for want of necessary information and details about the respondents who are shown as accused, the complaint has been rejected by the Court below.

4. After hearing the learned counsel for the petitioner and after perusing the complaint, I find that the petition has been filed under Section 156(3) Cr.P.C. for direction to register the FIR, which was rejected and on consideration of the facts, the trial Court has come to the right conclusion that the matter alleged is of civil in nature, as the sworn statement of the petitioner herein is nothing but civil in nature. Therefore, I do not find any irregularity or illegality in the impugned order.

5. In the above view of the matter, this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To
The Judicial Magistrate No.3, Coimbatore

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

(CO)
GSP(06/07/2018)

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