

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.9 of 2018

R.Maheswari

.. Petitioner

Vs.

1. C.Surendiran

2. A.M.Ismath

3. A.Jayaraj

.. Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order dated 06.11.2017 passed in Crl.M.P.No.1600 of 2017 on the file of Judicial Magistrate Court-V, Coimbatore and direct the complaint to be taken on file by taking cognizance of the offence mentioned in the complaint and to set aside the same.

For Petitioner : Mr.N.Karthikeyan

O R D E R

This Criminal Revision Case arises against the order dated 06.11.2017 passed in Crl.M.P.No.1600 of 2017 on the file of Judicial Magistrate Court-V, Coimbatore.

2. Prosecution case is that accused 1 to 3 engaged jointly in selling the property of complainant to the tune of Rs.29,70,00,000/- and all the accused persons, who were her agents, cheated the complainant and never rendered accounts to her. Accused persons did not pay a single rupee to the Complainant. Hence, petitioner preferred a private complaint on 28.03.2017. The case was considered in Crl.M.P.No.1600 of 2017 on the file of learned Judicial Magistrate-V, Coimbatore. Court below, under order dated 06.11.2017, dismissed the complaint. Hence, this revision.

3. Heard learned counsel for petitioner. Perused the materials on records.

4. In dismissing the complaint preferred by petitioner informing commission of offences u/s 34, 120(b), 405, 406, 417, 420, 468 and 477A IPC, Court below has found that while it is

the complainant's case that three accused, one of them a Revenue Official, had obtained three powers of attorney from the complainant, her mother as also brother on false representations and misappropriated sale proceeds, Court below took note of the position that while the complainant informed her voluntary execution of power of attorney on misrepresentation of the accused, her mother, who also informed of not knowing the contents in the complaint, had spoken to the accused flashing sums of Rs.10,00,000/- and Rs.20,00,000/- before them but not effecting any payment. On perusal of 32 documents, which the petitioner claimed of reflecting the sale consideration usurped by the accused, Court below found that those documents inform transactions of the year 1996, 1997 and 2000. In the circumstances, taking note both of the delay of preferring the complaint by at least 17 years as also discrepancies between the statements of the petitioner and her mother, Court below found it appropriate to dismiss the complaint. Finding no reason to interfere with the order under challenge. This Criminal Revision Case shall stand dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kmi

To

The Judicial Magistrate-V,
Coimbatore.

Crl.R.C.No.9 of 2018

sai(co)
aa04/04/2018

WEB COPY