

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.09.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.915 of 2018

P.Balamurali

... Petitioner/Complainant

Vs.

1. Citi Corp. Finance Private Ltd., (A1)
Citi Corp. Finance (India) Ltd.,
Registered Office 9th Floor,
Aeropolis, New No.148, Old No.68,
Dr.Radhakrishnan Salai,
Chennai-600 004.
2. The Managing Director (A2),
Citi Corp. Finance (India) Ltd,
Registered Office 9th Floor,
Aeropolis, New No.148, Old No.68,
Dr.Radhakrishnan Salai,
Chennai-600 004.
3. Balasubramani,
Citi Corp. Finance (India) Ltd,
Registered Office 9th Floor,
Aeropolis, New No.148, Old No.68,
Dr.Radhakrishnan Salai, Chennai-600 004.
4. Karthick
Citi Corp. Finance (India) Ltd,
Registered Office 9th Floor,
Aeropolis, New No.148, Old No.68,
Dr.Radhakrishnan Salai,
Chennai-600 004.

... Respondents/Accused

For Petitioner : M/s.R.Lakshminarayanan

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C, to call for the records in C.C.No.234 of 2017 on the file of Judicial Magistrate-II, Tiruppur, to set aside the orders dated 30.05.2018 and to direct the learned Judicial Magistrate-II, Tiruppur to conduct a full fledged trial and dispose it of on merits.

ORDER

This Petition has been filed by the Petitioner, to call for the records in C.C.No.234 of 2017 on the file of Judicial Magistrate-II, Tiruppur to set aside the orders dated 30.05.2018 and to direct the learned Judicial Magistrate-II, Tiruppur to conduct a full fledged trial and dispose it of on merits.

2. The sum and substance of the case are as follows.

The petitioner has filed a private complaint under Section 200 Cr.P.C., Initially the Lower Court has dismissed the complaint on 24.11.2017 by passing an order under Section 203 Cr.P.C on the ground that there was no grounds to proceed further. The said order of dismissal passed by the learned Judicial Magistrate No.II, Tirupur, was challenged by the defacto complainant before this Court in Crl.R.C.No.274 of 2018 and this Court allowed the petition and set aside the order and remanded the matter back to the Court below and directed the Court below to pass appropriate orders under Section 203 Cr.P.C. within a period of three months from the date of receipt of a copy of the said order. Thereafter, the Court below received the said order copy only on 04.04.2018 and a notice was issued to the complainant to appear and produce his witnesses to be examined under Section 202 Cr.P.C., Accordingly, the complainant was examined on 30.10.2017 and another witness Mr.Nehru Pandi was examined on 10.11.2017. Thereafter, on 17.11.2017, the witnesses of the complainant was closed and an endorsement was also obtained from the complainant. Accordingly, the Court below examined the witnesses P.W.1 to P.W.3 on the side of the complainant.

3. The case of the petitioner is that the petitioner borrowed a vehicle loan to purchase three lorries under the hypothecation loan agreement, dated 01.11.2016 with the first accused/Citi Corporation Finance Private Limited. The further case of the petitioner is that he has repaid the entire loan amount by way of 47 installments. Even after the receipt of the entire installment amounts, they demanded to pay a sum of Rs.11,65,000/- excessively to settle the dues from the petitioner and refused to hand over the Registration Certificate Book and No Objection Certificate in respect of the vehicles. Assailing the above said action, the petitioner has filed a complaint for the offence committed under Section 4 of Tamilnadu Exorbitant Interest Act and 420 of I.P.C.,

4. The Court below, after elaborately discussed the matter and arrived at a conclusion that there is no prima facie case available in favour of the petitioner to proceed further.

Accordingly, the Court below dismissed the complaint filed by the petitioner.

5. I have gone through the entire materials and except three witnesses, no document was not produced before the Court below for taking a decision in respect of Section 4 of Tamilnadu Exorbitant Interest Act and 420 of I.P.C., In the absence of any materials implicating the accused for the above said offence and, there is no any infirmity or illegality in the order passed by the Court below. Accordingly, this Revision Petition is dismissed. It is relevant to note that as per the hypothetical agreement, Al/City Corporation Finance Private Limited initiated arbitration proceedings and the Arbitrator has also passed the award and the arbitration proceedings pending on the execution stage. It is needles to state that the petitioner has a remedy to challenge the award before the competent Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dss/kal

To

The learned Judicial Magistrate-II,
Tiruppur.

+lcc to Mr.R.Lakshmi Narayanan, Advocate Sr.63618

सत्यमेव जयते

Cr1.R.C.No.915 of 2018

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srg 16/10/2018

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