



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.(MD) No.360 of 2018

K.S.Gurusamy

... Petitioner/Complainant

Vs.

- 1.T.S.Anandhakrishnan
- 2.Poulraj
- 3.T.Solaiappan
- 4.G.Ramakrishnan
- 5.K.R.Thangaraja
- 6.P.Ayyanar
- 7.P.Pandian
- 8.G.Rajendran
- 9.M.Vairamuthu
- 10.K.Mariappan
- 11.T.Saravanakumar
- 12.Pitchaimuthu
- 13.K.Ayyanar
- 14.R.Jeyaraman
- 15.C.Govindan
- 16.V.Mariappan
- 17.A.Aathimurugan
- 18.R.Perumal
- 19.Sivannaitha Perumal
- 20.Sivanesa Pandian @ Siva
- 21.Hari Krishnan
- 22.P.Thiruppathi Raja
- 23.A.Dhilipan Raja
- 24.E.Paramasivam
- 25.C.Chellathurai
- 26.Selvam
- 27.T.Venkadachalam

... Respondents/Accused

[R27 has been abated vide order dated 16.08.2018]

PRAYER: The Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 25.05.2018 made in Cr.M.P.No.3608 of 2017 on the file of the learned Judicial Magistrate No.II, Srivilliputtur.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner
For R1 to R10
and R11 to R26

: Mr.M.Vijayarathinam
: Mr.J.Jeyakumaran

**ORDER**

This revision case has been filed to set aside the order dated 25.05.2018 made in Cr.M.P.No.3608 of 2017 on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

WEB COPY

2.The case of the petitioner is that the properties purchased for the benefit of Penningdon Market Fruits and Vegetables Sellers Association, was sold by the member of the association to Solaiappan and Ramakrishnan. The sale proceeding has been used by them for their personal benefit. The petitioner being one of the erstwhile members of the said society alleges, the respondents had shared the sale proceeds among themselves depriving the association. Hence, the criminal complaint. After investigation, the complaint has been closed as mistake of fact by the police. Aggrieved by that, protest petition has been filed before the Judicial Magistrate No.II, Srivilliputhur, which was rejected by the trial Court on 25.05.2018.

3.The contention of the petitioner herein is that when the property was purchased for the benefit of members of the society, the members have sold the property to third party without any right. They fraudulently executed sale deeds in favour of third party and cheated the petitioner to a tune of Rs.4,50,000/-.

4.From the reading of the complaint made by the petitioner, it could be clearly seen that few individuals joining together, had involved in some activities under the name and style of 'Penningdon Market Fruits and Vegetables Sellers Association'. The activities of the petitioner association and purchase of properties were done in the name of individuals who happened to be the members of the society and they sold the properties and utilised the sale proceeds for the welfare of the members of the society. It is because the petitioner was one time a member of the society, he claims share in the sale proceeds of the property. Since the petitioner was not given money, he alleges that the respondents cheated the petitioner.

5.The investigation has rightly been done by the respondents and closed the complaint as mistake of fact. The trial Court has gone into the statements of the witnesses in the protest petition and has held that no criminality is made out to attract the offence under Sections 406, 420, 465 read with 34 IPC.

6.This Court finds no irregularity or illegality in the order of the trial Court to entertain this revision petition. Accordingly, this criminal revision case is dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)



To

The Judicial Magistrate No.II,
Srivilliputhur,
Virudhunagar District.

+ 1 CC TO Mr.M.VIJAYA RATHINAM, ADVOCATE IN SR No. 81621
+ 1 CC TO Mr.J.JEYAKUMARAN, ADVOCATE IN SR No. 81420

MM

TE/SKN/SAR-1 : 27/09/2018 : 3P/4C

Crl.R.C.(MD) No.360 of 2018
30.08.2018