

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.02.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. NO. 180 OF 2019

C.Krishnasamy

.. Petitioner

- Vs -

1. State of Tamil Nadu, rep. by
The Commissioner of Police
Office of Commissioner of Police
EVR Sampath Salai, Vepery Chennai - 7.
2. The Inspector of Police
Central Crime Branch
Team EDF-3, Vepery
Chennai - 600 007.
3. Ramakrishnan
4. Ravi Prabhakaran .. Respondents

Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, praying to set aside the order in dated 29.11.2018, passed by the Judicial Magistrate At Alandur, Chennai, made in Crl.M.P. No.6979 of 2018.

For Petitioner : Mr. Vimal B.Crimson

For Respondent : Mr. A. Harihara Arun Somasankar,
GA (Crl. Side) for RR-1 & 2

सत्यमेव जयते
ORDER

The above criminal revision has been filed by the petitioner against the order passed by the Judicial Magistrate, Alandur, Chennai, in C.M.P. No.6979/18 dated 29.11.18, whereby the complaint filed by the petitioner u/s 156 Cr.P.C. seeking to charge the accused for the offences u/s 406, 419, 420 r/w 409 and 506 (ii) IPC has been rejected.

2. The learned Judicial Magistrate dismissed the complaint stating that the dispute as between the petitioner herein and the accused is purely civil in nature and, therefore, the accused could not be charged criminally.

3. The case of the complainant/petitioner herein is that the accused had obtained his signature on the General Power of Attorney by representing to him that his signature had been obtained only in a mortgage deed and had registered the same before the registering authority. It appears that cheque was also issued between the parties and in the course of the said dealing between the petitioner and the accused, the petitioner was cheated and, therefore, he went before the Judicial Magistrate by filing a complaint u/s 156 Cr.P.C.

4. After taking note of the materials and the contents of the complaint, the learned Magistrate was of the view that it was a case of civil dispute as between the petitioner and the accused and no criminal offence could be made out from the allegations of the petitioner/complainant. In such circumstances, the learned Magistrate dismissed the complaint against which the present revision has been preferred.

5. Heard the learned counsel appearing for the petitioner and the learned government Advocate (Crl. Side) appearing for the respondents 1 and 2.

6. This Court, after perusing the order passed by the learned Magistrate and also the contents of the complaint is of the view that the allegations made by the petitioner/complainant do not make out a case to proceed against the accused criminally. It appears that the dispute between the petitioner and the accused is purely civil in nature for which the petitioner could only approach the civil court for having his grievance redressed as against the respondent/accused. It is certainly not open to the petitioner/complainant to file a complaint against the respondent/accused for charging him of a criminal offence.

7. For the reasons stated above, this Court is of the considered view that the trial court has rightly rejected the complaint filed by the petitioner herein. This Court does not find any infirmity in the order passed by the trial court calling for interference and, therefore, this revision petition lacks merit and the same is accordingly dismissed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

GLN

To

The Judicial Magistrate
Alandur, Chennai.

2.The Commissioner of Police
Office of Commissioner of Police
EVR Sampath Salai, Vepery Chennai - 7.

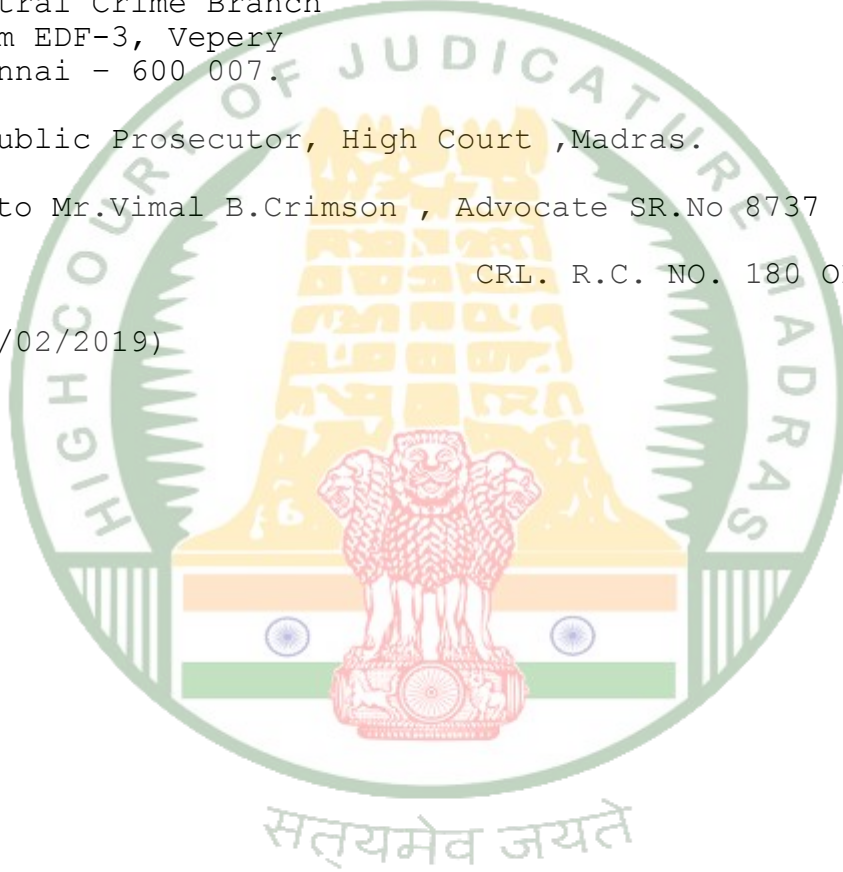
3. The Inspector of Police
Central Crime Branch
Team EDF-3, Vepery
Chennai - 600 007.

4.The Public Prosecutor, High Court ,Madras.

+1cc to Mr.Vimal B.Crimson , Advocate SR.No 8737

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A.SK(25/02/2019)



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