

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.01.2019
Pronounced on : 21.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1491 of 2018

S.Babu

...Petitioner/Complainant

--Vs--

1. S.P.Sethiya

2. The State rep.by

The Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai.

...Respondents

This Criminal Revision Petition is filed under Sections 397 read with 401 of Cr.P.C. praying to call for the records and set aside the order passed by the VIII Metropolitan Magistrate Court, G.T. Chennai in Crl.M.P.No.1271 of 2018, by its order dated 23.04.2018 and to direct the 2nd respondent to register the case against the 1st respondent.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.Dhakshinamoorthy for
M/s.DMH Partners for R1

Mr.G.Harihara Arun Soma Sankar
Government Advocate(Crl.Side) for R2

O R D E R

This criminal revision has been filed against the order passed in Crl.M.P.No.1271 of 2018 by the learned VIII Metropolitan Magistrate, George Town, Chennai, dated 23.04.2018, dismissing the petition filed by the petitioner herein under Section 156(3) of Cr.P.C.

2 According to the petitioner that 1st respondent/accused has committed offence under Sections 420, 468, 471 and 506(ii) IPC and therefore approached the trial Court to direct the jurisdictional police to conduct investigation. The trial Court,

after advertng to the submissions and after perusing the materials placed on record, by order dated 23.04.2018, rejected the petition saying that the entire dispute between the petitioner and the first respondent appears to be purely civil in nature and therefore no criminal action could be initiated for such dispute. As against the order dated 23.04.2018, the present criminal revision has been filed.

3 The case of the petitioner is that he had borrowed certain amounts from the first respondent/Financier and over a period of time, the amounts were settled. The vehicle was also pledged as against the amount borrowed by the petitioner from the first respondent. However, on settlement of the entire dues to the first respondent, when the petitioner demanded for No Objection Certificate, the same was refused by the first respondent on the ground that the petitioner stood guarantee in respect of another transaction.

4 According to the petitioner herein that the cheques which were given originally as guarantee for repayment and also certain other documents in respect of the loan availed by him have not been returned, despite the demand by the petitioner. After settlement of the entire dues to the respondent, when the petitioner pursued for return of the document, he was threatened with dire consequences by the first respondent stating that he has several henchmen on his pay roll to inflict fatal injuries. In the said circumstances it appears that the petitioner had given a complaint on 27.02.2018 to the jurisdictional police. However, since no action was taken, he approached the Trial Court for direction.

5 This Court has considered the facts and the submissions made and also perused materials placed on record.

6 According to the petitioner that the first respondent appears to be committed offences under Sections 420, 468, 471 & 506 (ii) of I.P.C., in respect of the loan transaction between the petitioner and the respondent. This Court is unable to see as to how such offences could be perceived in respect of the transaction as between the petitioner and the first respondent, which appears to be civil dispute in nature. Except making some vague statement that the respondent has involved in criminal intimidation attracting Section 506(ii) and also refusing to part with certain loan documents, despite the settlement of the dues, no materials have been produced in order to sustain the allegations of the petitioner as against the first respondent.

7 The Trial Court has rightly held that the dispute appears to be purely civil in nature and therefore, no criminal case has been made out. This Court does not think that the order passed by the Trial Court suffers from any infirmity and hence the present criminal revision case is devoid of merit and substance and the same is dismissed.

s/d-
Assistant Registrar(CS VIII)

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Sub-Assistant Registrar

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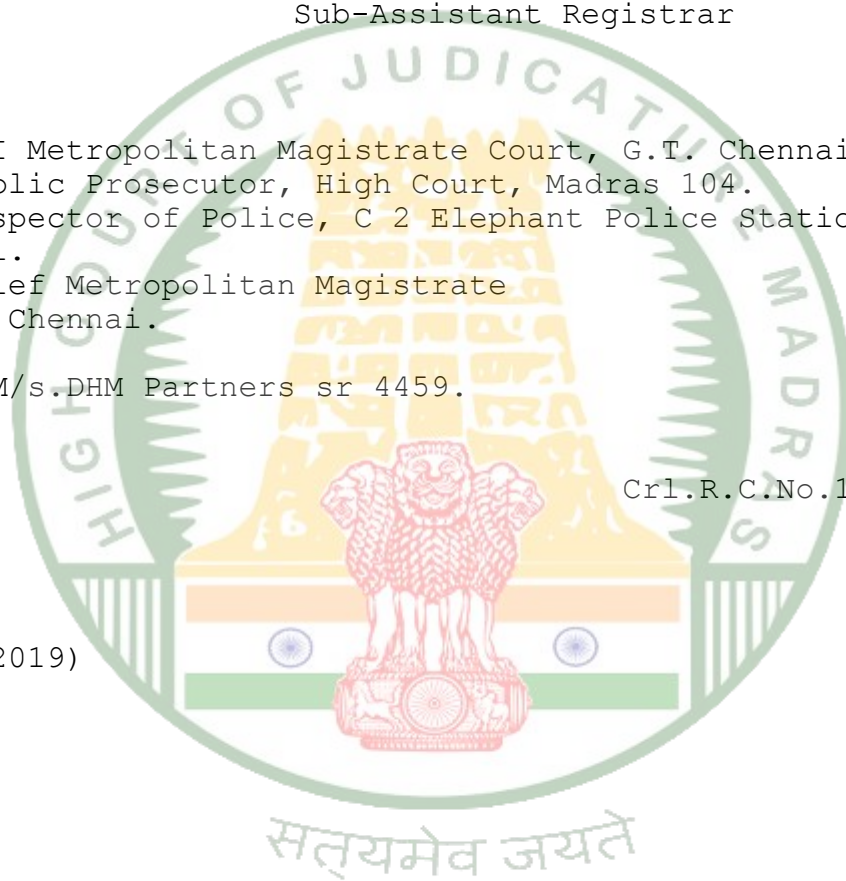
To

- 1.The VIII Metropolitan Magistrate Court, G.T. Chennai.
2. The Public Prosecutor, High Court, Madras 104.
3. The Inspector of Police, C 2 Elephant Police Station Chennai.
4. The Chief Metropolitan Magistrate Egmore, Chennai.

+1 CC to M/s.DHM Partners sr 4459.

Cr1.R.C.No.1491 of 2018

RV(CO)
SP(18/02/2019)



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