



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD) No.9256 of 2019

WEB COPY

Prabhu

: Petitioner/Petitioner

Versus

The State represented by
The Inspector of Police,
Musiri Police Station,
Trichy District.

: Respondent/Respondent

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to set aside the returned order dated 15.04.2019 made in Cr.M.P.No.2026 of 2019, on the file of the learned Judicial Magistrate Court, Musiri and consequently to direct the respondent to register the first information report and investigate the same based on the complaint dated 20.03.2019.

For Petitioner : Mr.K.M.Karunakaran
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Cr1.side)

O R D E R

This petition has been filed seeking a direction to set aside the order passed by the learned Judicial Magistrate, Musiri, returning the petition filed by the petitioner under Section 156 (3) of the Code of Criminal Procedure.

2.According to the petitioner, he has entered into an agreement with one Baskar for engaging lorries for transporting cement from M/s. Ramco Cement Company. After completion of the work, the said Baskar has to pay commission to the petitioner to the tune of Rs.32,00,000/-. But, he failed to pay the amount. In that circumstances, earlier, he has filed a complaint before the respondent Police. But, the said complaint has not been enquired into. In the above circumstances, he has approached the learned Judicial Magistrate, Musiri and filed a petition under Section 156 (3) of the Code of Criminal Procedure seeking for a direction to the respondent Police to register the complaint and conduct investigation. But the petition has been rejected by the learned Judicial Magistrate on the ground that he has failed to produce the material to prove the alleged contract, and it is only a civil dispute between the parties and the petition filed under Section 156 (3) of the Code of Criminal Procedure is not maintainable. Now, challenging the same, the present petition has been filed.



3.I have heard the learned counsel on either side and perused the records carefully.

4.The learned counsel appearing for the petitioner submitted that this Petition has been filed on the ground that there is an agreement between the petitioner and the said Baskar for payment of commission for engaging the lorries. Since the said Baskar failed to pay the amount, he has given a complaint, which was not enquired into. Hence, he has filed an application under Section 156(3) of the Code of Criminal Procedure.

5.On perusal of the records, it is seen that the petitioner demanded money based on an oral agreement between the parties and, there is no material to prove the same. Apart from that, it is only a civil dispute between the parties and the petitioner has given only a criminal colour in it and filed a petition.

6.Considering all these materials, the learned Judicial Magistrate rightly returned the petition as it is not maintainable. I find no irregularity or illegality in the order passed by the learned Judicial Magistrate.

7.Accordingly, the Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
Musiri Police Station, Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.K.M.KARUNAKARAN, Advocate (SR-72709[F] dated 02/07/2019)

Order made in
Cr1.O.P. (MD) No.9256 of 2019
Dated: 02.07.2019

tsg
MK (09.08.2019) 2P 4C