

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.R.C.No.644 of 2017

Rathna

...Petitioner

-Vs-

1.Lakshmi @ Muthulakshmi
2.Shymala
3.Illango

...Respondents

Prayer: Criminal Revision petition filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the order dated 23.12.2016 made in Crl.M.P.No.6629 of 2016 on the file of Judicial Magistrate No.II, Mettur.

For Petitioner : Mr.Arun for M/s.B.Singaravelu
For Respondents : Mr.M.Mariappan

O R D E R

This Criminal Revision Petition is filed against the order of the learned Judicial Magistrate No.II, Mettur in Crl.M.P.No.6629 of 2016 wherein, the learned Magistrate dismissed the private complaint filed by the petitioner under Section 203 of Cr.P.C., which was filed for offences alleged to have been committed by the respondents under Sections 420 and 506(ii) of IPC.

2.It is seen from the allegations made by the complainant, that the petitioner had subscribed to the chit run by the respondents / Accused. Petitioner subscribed to a chit for Rs.2,00,000/- (Rupees Two Lakhs only) and another chit for Rs.1,00,000/- (Rupees One Lakh only) for meeting the Educational Expenses of her children. There were twenty members and the period of the chit is twenty months. Petitioner had been paying a sum of Rs.5000/- (Rupees Five Thousand only) towards Rs.1,00,000/- (Rupees One Lakh only) chit and Rs.10,000/- (Rupees Ten Thousand only) towards Rs.2,00,000/- (Rupees Two Lakhs only) chit.

3.On 15.10.2015 she took the chit of Rs.1,00,000/- (Rupees One Lakh only) for Rs.97,800/- (Rupees Ninety Seven Thousand Eight Hundred only) and on 20.10.2015 she took the chit of Rs.2,00,000/- (Rupees Two Lakhs only) for Rs.1,95,800/- (Rupees

One Lakh Ninety Five Thousand Eight Hundred only). However, the respondents have not paid the sum of Rs.2,64,470/- (Rupees Two Lakhs Sixty Four Thousand Four Hundred and Seventy only) inspite of for repeated requests. It is also alleged that many similarly placed persons like the petitioner have also not been paid the chit amount.

4.The petitioner had given a complaint against the respondents with the Karumalaikoodal Police Station on 24.02.2016. It is alleged that the respondents undertook to pay the sum of Rs.2,64,470/- (Rupees Two Lakhs Sixty Four Thousand Four Hundred and Seventy only), after selling a piece of plot within a month. Even then, the respondents have not paid the chit amount to the petitioner. When persisted with the demand for the payment of chit amount, the respondents threatened the petitioner with dire consequences. When the petitioner approached Karumalaikoodal Police Station again on 16.08.2016 with a complaint the Police refused to receive the complaint and directed the petitioner to approach the Court.

5.Under this backdrop the petitioner filed a Private Complaint before the learned Judicial Magistrate No.II, Mettur. During the enquiry under Section 200 of Cr.P.C., and 202 of Cr.P.C., it appears that the complainant and witnesses had been examined. The learned Judicial Magistrate came to the conclusion that the petitioner has failed to show that there was an intention on the part of the respondents to cheat the petitioner from the beginning of the chit transaction. With regard to the offence alleged under Section 506(ii) of IPC it was found that there is no specific mention in the complaint about the date and time of the occurrence. Finally, the Court found that there is no prima facie case made out to take cognizance and dismissed the complaint under Section 203 of Cr.P.C.

6.Without going into the merits of the allegations, it is seen that when the Karumalaikoodal Police Station refused to receive the complaint on the basis of a complaint given on 16.08.2016, the petitioner instead of approaching the District Superintendent of Police, Salem for further course of action under Section 154(3) of Cr.P.C, straight away filed a Private complaint before the learned Judicial Magistrate Court. There is nothing said about approaching the District Superintendent of Police, Salem with regard to non registration of the case by Karumalaikoodal Police Station.

7.It is not as if the transaction involved in this case is of purely a civil nature. The chit amounts said to have been not paid to the petitioner. If this allegation is true and the intention is to cheat the petitioner by not paying the chit

amount, certainly it amounts to a criminal offence. Cheating is a cognizable offence. Therefore, the petitioner is directed to approach the District Superintendent of Police under Section 154 (3) of Cr.P.C., on the inaction of Karumalaikoodal Police Station for not registering the First Information Report on the basis of the complaint dated 16.08.2016 and if such an information is received by the District Superintendent of Police, Salem, the District Superintendent of Police, Salem is directed to take appropriate action in accordance with the procedure laid down under Section 154(3) of Cr.P.C.

8. With this observation, this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

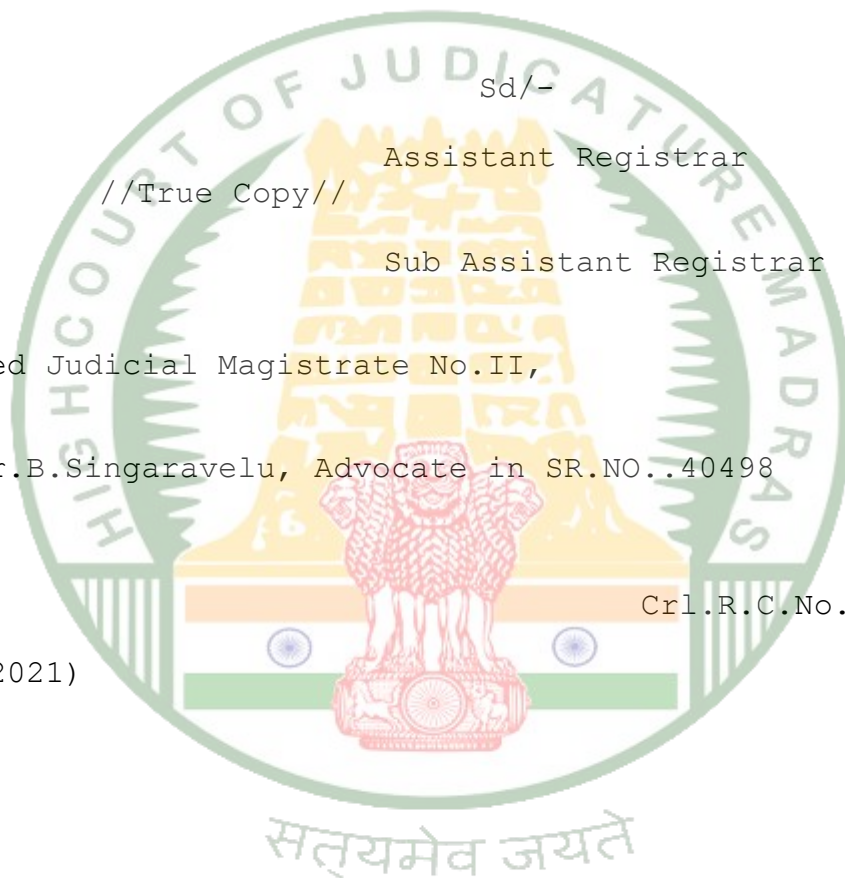
To

The learned Judicial Magistrate No.II,
Mettur.

+1cc to Mr.B.Singaravelu, Advocate in SR.NO..40498

Cr1.R.C.No.644 of 2017

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