



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 15.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.445 of 2020

and

Crl.M.P.(MD)No.3902 of 2020

WEB COPY

N.Govindaraj

.. Petitioner/Defacto Complainant

Vs.

1.The State of Tamil Nadu,

Represented by,

The Inspector of Police,

Central Crime Branch Police Station,

Madurai District.

..Respondent No1/Complainant

2.Ramesh Kumar

3.Sundarajan

.. Respondents No 2&3/Accused Nos 2&3

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the order in Remand order dated 27.11.2019 on the file of the learned Judicial Magistrate No.I(FAC), Madurai District and to set aside the impugned remand order.

For Petitioner

: Mr.T.Tamil Malar

For Mr.T.Lajapathi Roy

For 1st Respondent

: Mr.K.Dinesh Babu

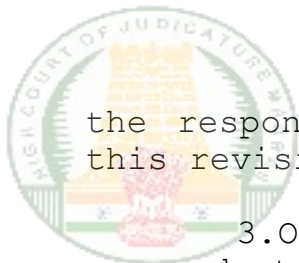
Additional Public Prosecutor

For Respondents 2 and 3: Mr.C.M.Arumugam

ORDER

This petition has been filed to set aside the Remand order dated 27.11.2019, on the file of the learned Judicial Magistrate No.I(FAC), Madurai District

2.The case against the respondents 2 and 3 is that there is business transaction between the petitioner and the respondents 2 and 3. A sum of Rs.4,63,36,840/- (Rupees Four Crores Sixty Three Lakhs Thirty Six Thousand Eight Hundred and Forty only) was pending to be paid by the respondents 2 and 3 to the petitioner. When the petitioner demanded the amount, the respondents 2 and 3 scolded him in filthy language and threatened him with dire consequences and cheated the public by offering house sites on monthly payment. A case in Crime No.49 of 2019 was registered against the respondents 2 and 3. The Inspector of Police, Central Crime Branch Police Station, Madurai sent a requisition for remand of the respondents 2 and 3. The Judicial Magistrate No.I, Madurai passed an order not remanding



the respondents 2 and 3. Against which, the petitioner has filed this revision case.

3. On the side of the petitioner, it is stated that the respondents 2 and 3 issued two cheques for payment and both the cheques were dishonored. Only with an impression that the matter was settled, the learned Judicial Magistrate was not inclined to remand the respondents 2 and 3 and prayed the remand order to be set aside.

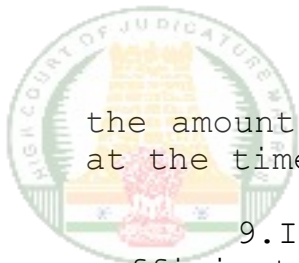
4. On the side of the 1st respondent, it is stated that A1 was arrested on 18.08.2018 and later he was released on bail on 07.09.2020.

5. On the side of the respondents 2 and 3, it is stated that the entire amount due was already settled by the respondents 2 and 3. Demand drafts were issued for a total sum of Rs.1,50,00,000/- (Rupees One Crore and Fifty Lakhs only) and the grievance of the petitioner was already settled.

6. A perusal of remand order reveals that the defacto complainant and one Ashok, who was a victim were present. The Investigating Officer also filed a status report that the matter was settled between the defacto complainant and the accused and that further action of the case was stopped. A compromise agreement was entered into between the petitioner and the second respondent and one Ashok. Wherein the amount to be paid by the petitioner is mentioned Rs.2,25,00,000/- (Rupees Two Crores Twenty Lakhs only). It is stated that a sum of Rs.75,00,000/- (Rupees Seventy Five Lakhs only) was received by the petitioner and one Ashok on that date of compromise itself. For the balance amount, two cheques were issued on the side of the petitioner.

7. On the side of the petitioner, it is stated that both the cheques were returned due to 'difference in signatures'. On the side of the respondents 2 and 3, it is stated that later the balance amount was paid to the petitioner by way of two demand drafts. On the side of the petitioner, it is admitted that A1 gave two demand drafts each for a value of Rs.75,00,000/- (Rupees Seventy Five Lakhs only) (total Rs.1,50,00,000/-) to the petitioner.

8. It is seen that the amount mentioned in the compromise agreement is Rs.2,25,00,000/- (Rupees Two Crore Twenty Five Lakhs only) was settled by A1. The case of the petitioner is that there is balance amount pending from the respondents 2 and 3. In the above circumstances, what is the amount really to be paid to the petitioner ?, whether the payment made by A1 was made towards the agreement between the petitioner and respondents, whether the agreement entered into between the respondents 2 and 3 and the petitioner and one Ashok is binding on A1 and the third respondent and whether the petitioner is entitled to any other amount, except



the amount mentioned in the compromise agreement, are to be decided at the time of trial.

9. In the above circumstances, at present there is no sufficient reason to interfere in the order passed by the learned Judicial Magistrate. Hence, this Criminal Revision Case is dismissed and the Remand order dated 27.11.2019, on the file of the learned Judicial Magistrate No.I(FAC), Madurai District is confirmed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistral No I(FAC)
Madurai
- 2.The Inspector of Police,
Central Crime Branch Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-17164[F] dated 16/09/2020)

Crl. R.C. (MD) No.445 of 2020
15.09.2020

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