



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.10.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.567 of 2020

WEB COPY

B.Asha

.. Petitioner

Vs.

The Inspector of Police,
Thallakulam Police Station,
Madurai - 2.

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the dismissal order in Cr.M.P.No.1357 of 2020, dated 17.03.2020 passed by the Judicial Magistrate Court No.2, Madurai and consequently to direct the respondent police to register the case on petitioner's complaint, dated 13.01.2020 against the accused.

For Petitioner : Mrs.Asha
(party-in-person)

For Respondent : Mr.Saravanakumar
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the dismissal order in Cr.M.P.No.1357 of 2020, dated 17.03.2020 passed by the Judicial Magistrate Court No.2, Madurai and consequently to direct the respondent police to register a case on the petitioner's complaint, dated 13.01.2020 against the accused.

2. On the side of the petitioner, it is stated that one Inbaraj approached the son of the petitioner, viz., Hariharan and induced him to purchase tickets for the film "Sarkar", during September - 2018 and to issue the tickets to the fans of Vijay through the Rasigar Mandrum [Fan Club]. The said Inbaraj induced the son of the petitioner to give some amount to him for buying the tickets and promised to repay the amount, after issuing the tickets to the fans of Vijay. On 15.10.2019, the petitioner paid a sum of Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) and on 17.10.2018, the petitioner paid a sum of Rs.3,00,000/- (Rupees Three Lakhs only) through cheque and subsequently, the petitioner paid Rs.47,000/- (Rupees Forty Seven Thousand only) and Rs.5,00,000/- (Rupees Five Lakhs only). Totally a sum of Rs.10,87,000/- (Rupees Ten Lakhs Eighty Seven Thousand only) was paid to Inbaraj, but, the said Inbaraj failed to repay the amount, after selling the tickets to the fans of Vijay. Later, the petitioner came to know that he paid only Rs.9,50,000/- (Rupees Nine



Lakhs Fifty Thousand only) to Tamil Jeya Theatre and got tickets for two shows on 05.11.2018. When the petitioner demanded the amount, the said Inbaraj threatened the petitioner with dire consequences. Thereafter, the petitioner lodged a complaint against one Tamilmani and Inbaraj. The said Tamilmani was not a party to the agreement entered between the petitioner and Inbaraj. Inbaraj has paid Rs.3,71,000/- (Rupees Three Lakhs Seventy One Thousand only) for the tickets. Hence, the petitioner was forced to file another complaint on 13.01.2019 against Inbaraj. Even though the petitioner produced all the relevant documents, the respondent police refused to register a case against Inbaraj. Hence, the petitioner filed a complaint in Cr.M.P.No.1357 of 2020, before the Judicial Magistrate No.2, Madurai, under Section 156 (6) Cr.P.C. That petition was dismissed by the Magistrate, on 17.03.2020. Against the same, the petitioner preferred this Criminal Revision.

3.On the side of the respondent, it is stated that already the petitioner has lodged a complaint on the very same cause of action against Inbaraj and one Tamilmani and a F.I.R. was registered in Crime No.520 of 2019, on the direction of the Magistrate, in Cr.M.P.No.602 of 2019. That F.I.R. already registered was closed as 'action dropped' by the police, after a detailed enquiry. Notice was already issued to the petitioner. For the second time, the petitioner lodged a petition before the Magistrate, for registering another case for the same occurrence.

4. The petitioner herself has accepted that for the same occurrence already a complaint was lodged against the said Inbaraj and one other person, viz., Tamilmani, and an F.I.R. was registered. For the very same occurrence, against one of the accused stated in the earlier F.I.R, another FIR cannot be registered. The petitioner was already served with the notice, when action was dropped on the earlier FIR in Crime No.520 of 2019. Hence, liberty is given to the petitioner to lodge a private complaint under Section 210 Cr.P.C against the closure of the FIR in Crime No.520 of 2019.

5. With the above observation, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 Magistrate Court No.2,
Madurai.
2. The Inspector of Police,
Thallakulam Police Station,
Madurai - 2.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.567 of 2020
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VB (01.12.2020) 3P 4C