



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.719 of 2020

R.P.Perumal

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
District Crime Branch, Nagercoil, Kanyakumari District.

2.S.Abirami Thangam

3.S.Murugesan Pillai

... Respondents

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and to set aside the dismissal order in Cr.M.P.No.3361 of 2020, dated 28.10.2020 passed by the Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District and consequently to direct the respondent police to register the case on petitioner's complaint in P2/SP/289/2020 (DCB/DSP/43/2020) and complaint dated 19.09.2020 against the accused.

For Petitioner

: Mr.M.Krishna Sreethar

For Respondents

: Mr.S.Chandrasekar

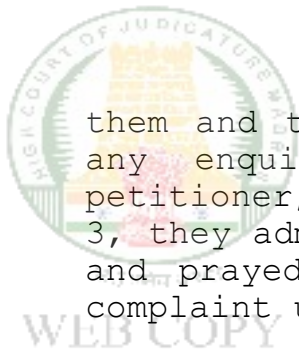
Additional Public Prosecutor for R1

ORDER

This revision has been filed to set aside the dismissal order in Cr.M.P.No.3361 of 2020, dated 28.10.2020 passed by the Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District and consequently to direct the respondent police to register a case on petitioner's complaint in P2/SP/289/2020 (DCB/DSP/43/2020) and the complaint dated 19.09.2020.

2. On the side of the petitioner, it is stated that the petitioner has lodged a complaint before the Judicial Magistrate, Nagercoil, in Cr.M.P.No.3361 of 2020 under Section 156(3) Cr.P.C. That petition was dismissed by the trial Court. Against the same, the petitioner preferred this Revision.

3. On the side of the petitioner, it is stated that the petitioner gave Rs.31,50,000/- to the second and third respondents with the hope that they will add him as a partner in their business. On their advice, he left his job also. When he demanded back the amount, the second and third respondents abused him and threatened him with dire consequences. Since the respondents 2 and 3 are influential persons, the police is not taking any action against



them and the petitioner was not called upon for enquiry. Without any enquiry, the police closed the complaint filed by the petitioner, even in the reply notice filed by the respondents 2 and 3, they admitted the receipt of payment of money from the petitioner and prayed the impugned order to be set aside and forwarded the complaint under Section 156 (3) Cr.P.C.

4. On the side of the respondent, it is stated that no document for payment by the petitioner was filed along with the complaint. The prayer in the petition is to register a case by the Deputy Superintendent of Police, but, the Deputy Superintendent of Police was not impleaded as a party in that petition. Already this petitioner has filed a complaint before the Deputy Superintendent of Police, a current petition number was given to the petitioner. That petition was closed on 16.12.2020 and the same was intimated to the petitioner. The petitioner already filed a suit in O.S.No.224 of 2020, before the Additional District Munsif, Nagercoil. Since the prayer in the petition was civil in nature, the case was closed by the police and prayed the petition to be dismissed.

5. It is seen that the petitioner has already approached the Deputy Superintendent of Police by way of filing a complaint. That complaint was closed by the police. It is stated that the petitioner has already filed a civil suit in O.S.No.224 of 2020 against the respondents 2 and 3. In the above circumstances, the petitioner is hereby directed to file a private complaint, if he is so advised.

6. With the above observation, this Criminal Revision Case is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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.I,
Nagercoil, Kanyakumari District.
2. The Deputy Superintendent of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.719 of 2020
23.12.2020

(MA) CO

AP(08/01/2021) 3P 4C