

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.489 of 2021

M/s. Sri Vinayaga Enterprises,
Prop. S.Ramesh,
No.4/3 Kamatchi Street,
Laksmi Amman Nagar,
Erukancherry, Kodungaiyur,
Chennai 118.

...Petitioner/Complainant

vs.

1. M/s.Sri Sai Handlers,
Prop. Mr. S.Jayakanth
S/o. Suresh

2. S.Sharmila

...Respondent/ Accused

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of order passed in Crl. MP. No.11546 of 2020 by the learned X Metropolitan Magistrate at Egmore, Chennai, dated 27.11.2020 and set aside the same.

For Petitioner : Mr. M.Anandaraj

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the complaint filed by the petitioner under Section 203 of the Code of Criminal Procedure.

2. The learned counsel for the petitioner submitted that the petitioner was doing wood business along with the husband of the second respondent. The learned counsel further submitted that the husband of the second respondent had to pay nearly a sum of Rs.25,00,000/- towards the business transaction. The Cheques that were issued were also dis-honoured. The husband of the second respondent also died. The learned counsel submitted that the petitioner approached the respondents requesting for settling the amount and since the amount was not settled and he was also orally abused by the respondents, a private complaint

came to be filed before the Court below under Section 200 of the Code of Criminal Procedure. The learned counsel submitted that the Court below went wrong in dismissing the complaint under Section 203 of the Code of Criminal Procedure, on the ground that no offence has been made out against the respondents.

3. This Court has carefully considered the submissions made by the learned counsel for the petitioner and also the materials available on record.

4. In the considered view of this Court, the Court below has given cogent reasons to come to a conclusion that no offence has been made out against the respondents. The Court below has taken into consideration both the allegations made in the complaint as well as the sworn statement of the petitioner and found that the issue on hand is purely civil in nature. This Court does not find any illegality or infirmity in the order passed by the Court below and there are absolutely no grounds to interfere with the same. If the petitioner is pursuing any other remedy before a Civil forum against the respondents, the same can be continued and this order will not come in the way of the petitioner. This is subject to the condition that the petitioner is entitled to exercise such a right as provided by law.

5. In the result, the Criminal Original Petition is dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jv
To

1. The X Metropolitan Magistrate
Egmore, Chennai

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Cr1. OP No.489 of 2021

SRA (CO)
SP(09/02/2021)