



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.MP.No.1876 of 2019
in
Crl.RC.SR.No.2782 of 2019

Shobana ...Petitioner/Appellant/Petitioner

Vs

1.J.Siva (alias) Sivakumar

2.Santha ... Respondents/Respondents/
Respondents 1 & 2

Prayer: This Criminal Miscellaneous Petition has been filed under Section 5 of the Limitation Act, 1963 praying to condone 51 days delay in filing Criminal Revision Petition against the order dated 16.08.2018 passed in CMP.No.4110 of 2017 on the file of the Learned Judicial Magistrate Court at Alandur.

Crl.RC.SR.No.2782/2021: To set aside the order dated 06.08.2018 in CMP.No.4110/2017 on the file of the Judicial Magistrate Court, Alandur.

For Petitioner : Ms.S.Shujatha
For Respondents: Notice served on Respondents
R1 & R2

ORDER

This Criminal Miscellaneous Petition has been filed seeking to condone the 51 days delay in filing the Criminal Revision Petition against the order dated 16.08.2018 passed in C.M.P.No.4110 of 2017 on the file of the learned Judicial Magistrate, Alandur.

2. The petitioner is the complainant and the respondents are accused. The respondents had borrowed a sum of Rs.5,50,000/- as loan from the petitioner and thereafter, not repaid the said amount and when, the petitioner demanded the money, they have threatened the petitioner. Therefore, the petitioner filed a private complaint under Section 200 Cr.P.C. before Judicial Magistrate, Alandur, for the offences under Sections 406 and 420



of IPC. The learned Magistrate taken the complaint on file in C.M.P.No.4110 of 2017. After taking sworn statement, the learned Magistrate found that there is no prima facie case and the dispute is Civil in nature and thereby, dismissed the complaint under Section 203 Cr.P.C. Challenging the said order passed by the learned Magistrate for not taking cognizance of the complaint, the petitioner has filed the present revision before this court.

3. Heard the learned counsel for the petitioner and perused the records.

4. Even in the complaint and sworn statement, it is clearly stated that the first respondent borrowed a sum of Rs.5,50,000/- from the petitioner to purchase an Auto and when the petitioner demanded to return the money, the respondents threatened the petitioner and her son. Therefore, the petitioner filed a complaint under Section 200 Cr.P.C. stating that the respondents had borrowed a sum of Rs. 3,00,000/- during January 2013 and during September 2013, they had borrowed a sum of Rs.1,20,000/- and Rs.1,30,000/- respectively, and in total, they have borrowed a sum of Rs.5,50,000/- in the year 2013 but the respondents have not repaid the same and when it was demanded, the respondents have threatened the petitioner and her son. However, from the sworn statement, the learned Magistrate found that the transactions between the petitioner and the respondents are purely civil in nature and prima facie not found any cognizable offence either for the offence under Sections 406 or for Section 420 IPC and thereby, the learned Magistrate had not taken the complaint on file and dismissed the complaint filed by the petitioner, under Section 203 Cr.P.C.

5. As rightly pointed out by the Trial Judge, the dispute is Civil in nature and no prima facie offence is made out and this Court does not find any perversity and the order passed by the learned Magistrate. Therefore, this Court is not inclined to entertain this petition. Since the dispute is civil in nature, the petitioner is at liberty to work out his remedy in the manner known to law.

6. With the above observations, this Criminal Miscellaneous Petition is dismissed. Consequently, the above Criminal Revision Case in CrI.RC.SR.No.2782 of 2019 is rejected at the S.R. Stage.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Ksa-2/Dsn



To

The Judicial Magistrate Court
Alandur.

WEB COPY

CrI.MP.No.1876 of 2019 in
CrI.RC.SR.No.2782 of 2019

KJ (CO)
GN (21/10/2021)