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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.442 of 2021

M.Anbazhagan

... Petitioner

..VS..

1.The Superintendent of Police (South),
Puducherry.

2.The Inspector of Police,
Muthaliyarpur Police Station (L&O),
Muthaliyarpur,
Puducherry.

3.Durai Narayanasamy

4.Janaki

5.Kathirolu

6.Panimalar

7.Thiruvarasan

8.Velarasu

9.Vijayaganesh

... Respondents

Criminal Revision Case filed under Section 397 r/w 401 (2) Cr.P.C, to set aside the order dated 20.04.2021 in CrI.M.P.No.3096 of 2021 passed by the learned Judicial Magistrate No.III, Puducherry and issue a direction to the Inspector of Police, Muthaliyarpur Police Station (L&O), Muthaliyarpur, Puducherry to register the complaint preferred by the complainant on 24.02.2021 and to file a final report before the competent Court of law.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.D.Bharatha Chakravarthy
Public Prosecutor (Pondicherry)
for R1 and R2



O R D E R

By consent of the learned counsel for the petitioner and the learned Public Prosecutor (Pondicherry) for the respondents 1 and 2, the matter is taken up today for final disposal at the admission stage itself, without issuing notice to the respondents 3 to 9.

2.This Criminal Revision Case has been filed against the order dated 20.04.2021 passed in CrI.M.P.No.3096 of 2021 by the learned Judicial Magistrate No.III, Puducherry and consequently to direct the 2nd respondent to register the complaint preferred by the complainant on 24.02.2021 and to file a final report before the competent Court.

3.The learned counsel for the petitioner would submit that the petitioner purchased the property and as per the sale consideration, the petitioner paid the entire amount, however, the private respondents 3 to 9 created problems and demanded more money and threatened the petitioner. Hence, the petitioner filed a complaint before the 2nd respondent on 24.02.2021, the same has been kept in abeyance without any action. Thereafter, on 02.03.2021, the petitioner approached the first respondent by way of complaint. Since there was no response from the respondents, he filed a private complaint before the learned Judicial Magistrate No.III, Puducherry. However, the learned Magistrate, without considering the grievance of the petitioner, dismissed the petition, since the complaint is purely civil in nature. Challenging the said order, the petitioner is before this Court.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It is seen from the records that the money transactions between the petitioner and the private respondents are civil in nature and the transactions were done between the period 2007 to 2008. Whereas the present complaint has been filed in the year 2021. If at all, the private respondents threatened the petitioner, immediately, soon after the occurrence, the petitioner could have approached the respondents 1 and 2, however, the complaint was filed in the year 2021. If the respondents have not taken any steps, immediately the petitioner could have approached the Magistrate or this Court. However, the petitioner has either approached the learned Magistrate or this Court, which clearly shows that the transactions between the petitioner and the private respondents is purely civil in nature.



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6. In the light of the above facts, this Court does not find any perversity or illegality in the order passed by the learned Magistrate and hence, the Criminal Revision Case is liable to be dismissed and accordingly, this Criminal Revision Case is dismissed.

7. However, liberty is granted to the petitioner to work out to his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.III,
Puducherry.

2.The Superintendent of Police (South),
Puducherry.

3.The Inspector of Police,
Muthaliyarpur Police Station (L&O),
Muthaliyarpur,
Puducherry.

4.The Public Prosecutor,
Puducherry.

5.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.N.Gnanasekar, Advocate SR No.36798

Cr1.R.C.No.442 of 2021

RR (CO)
PR (19/08/2021)