



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No. 563 of 2021

Shree Bhuwal Promoters

...Petitioner/Petitioner

Vs.

State Rep by
The Inspector of Police,
M-2, Madhavaram Milk Colony Police Station,
Madhavaram Circle
Chennai- 600 060

...Respondent/Respondent

Prayer: The Criminal Revision Petition is filed under Section 397 read with 401 of Code of Criminal Procedure, praying to set aside the dismissal order of the lower Court in Crl.M.P.No.1200 of 2021 dated on 18.08.2021 on the file of the District Munisiff Cum Judicial Magistrate, Madhavaram consequently direct the Respondent to register the FIR complaint dated 25.03.2021

For Petitioner : Mr.A.John for
Mr.L.Infant Dinesh

For Respondent : S.Sugendran
Government Advocate
(Criminal Side)

ORDER

This Criminal Revision Case has been filed seeking to set aside the order in Crl.M.P.No.1200 of 2021 dated on 18.08.2021 on the file of the District Munisiff Cum Judicial Magistrate, Madhavaram and consequently direct the respondent to register F.I.R. on the complaint of the petitioner dated 25.03.2021

2. The petitioner/company had filed a private complaint before District Munisiff Cum Judicial Magistrate, Madhavaram, in C.M.P.No.1200 of 2021 invoking Section 156 (3) Cr.P.C. and the learned Magistrate, after enquiry, dismissed the petition since



the dispute was Civil in nature. Challenging the said order of dismissal, the petitioner/company has filed the present revision before this Court.

WEB COPY

3. When the matter came up before this Court on 17.09.2021, this Court had directed the Government Advocate to get instructions since the learned Counsel for the petitioner/company had stated that a Civil Suit is pending. Further, this Court had directed the Counsel for the petitioner/company to produce the copy of the Complaint in O.S.No.214 of 2020. However, it has not been produced before this Court.

4. Today, the learned Government Advocate (Crl. Side) filed a status report in which, it is stated that the petitioner/company has filed I.A.No.293 of 2020 before the District Munsif Court, Madhavaram and O.S.No.214 of 2020 before the Additional Sessions Court, Ponneri, and both the cases are pending at the respective Courts.

5. A perusal of records shows that the dispute is Civil in nature and the parties have already approached the Civil Court and during the pendency of the Civil dispute, they have filed the complaint before the respondent police and that the respondent police have also felt that the complaint is Civil in nature. In the mean time, the petitioner/company has approached the Court invoking Section 156(3) Cr.P.C. and the learned Magistrate after enquiry found that the complaint is purely Civil in nature and therefore, dismissed the complaint.

6. The learned Government Advocate (Criminal Side) would submit that two Civil suits are pending and the petitioner/company is also party to the Suits and therefore, the learned Magistrate rightly dismissed the petition and that the petitioner/company may be directed to workout its remedy in the Civil suit.

7. Since, the Suits are pending before the competent Court, this Court does not find any perversity in the order passed by the learned Magistrate and there are no grounds to admit the revision. Therefore, there is no merit in the revision and the revision is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed at



the admission stage itself. However, the petitioner/company is at liberty to workout its remedy in the manner known to law.

WEB COPY

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Ksa-2/dsn

To

1. The District Munisiff Cum Judicial Magistrate,
Madhavaram
2. The Inspector of Police,
M-2, Madhavaram Milk Colony Police Station,
Madhavaram Circle
Chennai- 600 060.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Infant Dinesh, Advocate, S.R.No.49719

Cr1.R.C.No. 563 of 2021

PVS (CO)
SU(27/10/2021)