



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.536 of 2021

Sivasamy ... Petitioner/Complainant

..vs..

1.Karventhan

2.Subramani

3.Manivel

4.Palanisamy

5.Balasubramani

... Respondents

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 07.06.2021 made in CrI.M.P.No.699 of 2021 on the file of the learned Judicial Magistrate No.3, Tiruppur dismissing the petition to register the petitioner's complaint dated 30.01.2021 filed under Section 156(3) Cr.P.C by allowing the Criminal Revision Case.

For Petitioner : Mr.N.Ponraj

O R D E R

This Criminal Revision Case has been filed against order dated 07.06.2021 passed in CrI.M.P.No.699 of 2021 by the learned Judicial Magistrate No.3, Tiruppur.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3.The learned counsel for the petitioner would submit that the petitioner and the respondents are the partners of one Sri Ganapathy Auto Finance and the respondents swindled the fund of the firm to enrich themselves by opening new Finance Firm on their own. Hence, the petitioner filed a complaint dated 30.01.2021 before the Commissioner of Police, Tiruppur. After enquiry, the Inspector of Police, C.C.B., Tiruppur closed the complaint on 23.03.2021 stating that the dispute between the parties is civil in nature. Hence, the petitioner filed a petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate No.3, Tiruppur seeking to register the FIR



as against the respondents. Without considering the facts, the learned Magistrate dismissed the petition. Challenging the said order, the petitioner is before this Court.

4. On a careful perusal of the records, it reveals that based on the petitioner's complaint dated 30.01.2021, the petitioner was served with summons on 02.03.2021 by the Inspector of Police, C.C.B., Tirupur. After due enquiry, the said complaint was closed on 23.03.2021 by the Inspector of Police, C.C.B., Tiruppur stating that the dispute is purely civil in nature and directed the petitioner to approach the competent Court with relevant documents. However, the petitioner filed the private complaint under Section 156 (3) Cr.P.C before the Judicial Magistrate No.3, Tirupur, without including the Inspector of Police, C.C.B., Tiruppur as a party respondent. If the petitioner would have included the respondent police, the Magistrate may give instructions to the respondent police to register the complaint. The learned Magistrate after perusal of the materials found that the petitioner has not produced any relevant documents to substantiate his claim and the nature of the allegations are purely civil in nature and hence, dismissed the petition.

5. In the light of the above facts and circumstances, this Court does not find any perversity or infirmity in the order dated 07.06.2021 passed in CrI.M.P.No.699 of 2021 by the learned Judicial Magistrate No.3, Tiruppur. Accordingly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ms

To

The Judicial Magistrate No.3
Tiruppur.

+1cc to Mr. N.Ponraj, Advocate Sr No.45778

CrI.R.C.No.536 of 2021

RR (CO)
PR (23/09/2021)