

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1257 of 2020

R.Maragathavalli

... Petitioner

..vs..

State Rep. by
The Sub Inspector of Police,
Arni Taluk Police Station,
Arni.

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the records in Cr.M.P.No.879 of 2020 dated 29.10.2020 on the file of the learned Judicial Magistrate, Arni and set aside the same.

For Petitioner : M/s.Dass and Viswa Associates

For Respondent : Mr.A.Madhan
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 29.10.2020 passed in Cr.M.P.No.879 of 2020 on the file of the learned Judicial Magistrate, Arni, rejecting the petition filed by the petitioner herein under Section 156(3) of Criminal Procedure Code seeking for a direction to the respondent to register the complaint.

2.The grievance of the petitioner is that she has given a complaint to the respondent, which was assigned as C.S.R.No.802 of 2020, but the same has been kept in abeyance without any further action. Hence, she filed a petition under Section 156(3) Cr.P.C before the learned Judicial Magistrate Arni to direct the respondent to register the complaint in accordance with law based on C.S.R.No.802 of 2020. The learned Magistrate after considering the materials found that though an offence under Section 417 IPC is made out, the said offence is not a cognizable one as per schedule II of Criminal Procedure Code and dismissed the petition. Aggrieved over the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of a lorry bearing

Registration No.TN-02-AC-4776 and there was a business transaction between the petitioner's husband and his friend one Velmurugan. Further, there was a money dispute between them and in order to that Velmurugan taken away the lorry and committed breach of trust as well as cheating. Hence, the petitioner filed a complaint before the respondent police, but, the same has been kept in abeyance without any further action. Thereafter, she approached the learned Magistrate seeking for a direction to the respondent to register the complaint. However, the learned Magistrate without application of mind, simply rejected the petition on the ground that no cognizable offence was made out for directing the respondent police to register the FIR and hence, the same warrants interference in the hands of this Court.

4. On a careful reading of the complaint, it would reveal that there was a business transaction between the petitioner's husband and his friend Velmurugan and with the knowledge of the petitioner and after deliberation with them Velmurugan has taken the lorry. Further, there was no averments/allegations made in the complaint at the time of taking the lorry, as the said Velmurugan committed breach of trust or cheated the petitioner. Therefore, in the absence of the same, this Court finds that this is not a fit case to direct the respondent police to register the case and investigate the matter in accordance with law. However, it is left open to the respondent police to take action, if there is any material to investigate the matter.

5. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Arni.

2.The Sub Inspector of Police,
Arni Taluk Police Station,
Arni.

3. The Public Prosecutor,
High Court, Madras.

Cr1. R.C.No.1257 of 2020

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