



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.1261 of 2019

M.Eswaran

S/o, Muthusamy

...Petitioner/Petitioner

Versus

1. Messers.Gayathiri Motors,
Palani Main Road, Udumalpet.

2. Sasikumar @ Sasiganeshkumar
Proprietor,
Messers.Gayathiri Motors,
Palani Main road,
Udumalpet.

...Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the order dated 19.09.2019 made in Crl.M.P.No.4364 of 2019 on the file of the learned Judicial Magistrate No.1, Udumalpet by allowing this Criminal Revision Case.

For Petitioner : Mr.D.R.Arunkumar

For Respondents : Mr.Jagajothi
for M/s.V.Balamurugane

ORDER

This Criminal Revision Case has been filed to set aside the order dated 19.09.2019 made in Crl.M.P.No.4364 of 2019 on the file of the learned Judicial Magistrate No.1, Udumalpet.

2. The petitioner has filed the complaint in Crl.M.P.No.4364 of 2019 before the Judicial Magistrate No.I. Udumalpet, under section 200 Cr.P.C against the respondents and the learned Magistrate after gone through the entire materials, dismissed the petition on the ground that there is a money transaction and civil dispute between the parties and the defacto complainant/petitioner has given criminal colour to the civil dispute. Challenging the said order of dismissal, the petitioner has filed the present Revision Case before this Court.



3. Though this Criminal Revision Case is pending for three years, given several opportunities, till today, the petitioner is not ready to advance his arguments for disposal of the Revision Case.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials.

5. On a perusal of the complaint filed by the petitioner shows that the complaint made against the respondents is purely civil in nature and there is no prima facie material against the respondents herein and therefore the learned Magistrate rightly dismissed the petition on the ground that there is no prima facie materials to take cognizance of the offence. Further the petitioner has not impleaded the concerned police as respondent. Therefore this Court does not find any perversity in the order passed by the learned Magistrate and there is no merit in the Revision Case and the same is liable to be dismissed and accordingly the Criminal Revision Case is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mfa

To

The Judicial Magistrate No.1,
Udumalpet.

+1cc to M/s.D.R.Arun Kumar, Advocate, S.R.No.42263

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MG[co]
NSK 07/09/2021