



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 25.01.2021

Delivered On : 01.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.30 of 2021

Anthony Joseph

.. Revision Petitioner /Complainant

Vs.

1.K.Sundar

2.S.Seiyathu Epramsha

3.S.Aaknas Ishwariya

..Respondent/Proposed Accused

4.State through Inspector of Police,

Muthaiyapuram Police Station,

Tuticorin.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order passed by the learned Judicial Magistrate No.II, Tuticorin District in Cr.M.P.No.3008 of 2020 dated 30.11.2020 and direct the fourth respondent Police to register a case against the respondents 1 to 3 and thereafter to investigate and file final report.

For Petitioner : Mr.Raamakrishnan.KA

For 4th Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3008 of 2020 dated 30.11.2020, on the file of the learned Judicial Magistrate No.II, Tuticorin.

2.The petitioner has filed a private complaint before the learned Judicial Magistrate No.II, Tuticorin under Section 156(3) of Cr.P.C. Instead of forwarding the complaint to the police, the learned Judicial Magistrate has dismissed the petition in Cr.M.P.No.3008 of 2020. Against the order, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the case as alleged by the petitioner is that the proposed accused 2 and 3 contacted the petitioner through proposed A1 on 28.07.2019 and they borrowed a sum of Rs.4,00,000/- (Rupees Four Lakhs only) and executed a pro note. When the petitioner demanded the amount, the first respondent has stated that proposed A2 is working in Dubai and he is in need of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) and he will return the amount with interest at 1 % and the proposed A2 confirmed the same on the same date over phone and the first respondent executed a declaration and a pro note for a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand only) and promised to repay the amount during February 2020. When the



second respondent returned back from Dubai, the second respondent gave a cheque dated 30.06.2020 for a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand only). When the cheque was sent to the bank for collection on 10.06.2020, the cheque was returned as account closed. The proposed A1 and A2 cheated the petitioner. The petitioner has lodged the complaint before the respondent police and the police closed the case as civil dispute. On 10.08.2020, the petitioner sent a complaint through post to the Superintendent of Police. Again Muthaiyapuram Police enquired the petitioner and again the complaint was closed as civil dispute. Hence, the petitioner filed this petition under Section 156(3) of Cr.P.C., before the Magistrate and the same was dismissed and hence, this revision to register the case against the proposed accused under Sections 403, 406, 420 and 120(b) of IPC is to be allowed.

4.On the side of the fourth respondent, it is stated that the case is purely civil in nature. The proposed accused were alleged to have given pro note and an agreement. The allegation is that the accused borrowed some amount from the petitioner. Since the matter involved is a civil dispute, there is nothing sufficient enough to interfere in the order of the lower Court and prayed the petition to be dismissed.

5.It is alleged that the proposed accused have executed a pro note and they have executed an agreement and that the petitioner has obtained cheque from the proposed accused.

6.In the view of the same, it is clear that the matter involved is only civil in nature and there is nothing sufficient enough to interfere in the order of the lower Court.

7.In view of the above, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.II,
Tuticorin, Tuticorin District.

2.The Inspector of Police,
Muthaiyapuram Police Station,
Tuticorin.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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01.03.2021

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