



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.257 of 2021

V.Mallika

... Petitioner / Complainant

Vs.

State represented by the,
Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

... Respondent /Respondent.

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi in M.P.No.2058 of 2020, dated 26.01.2021 and to set aside the impugned order.

For Petitioner	: Mr.S.Deenadhayalan
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in M.P.No.2058 of 2020 dated 26.01.2021, on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

2.On the side of the petitioner, it is stated that the husband of the petitioner joined in two chits, in the year 2016 and that chit period was over on 11.01.2017. After completion of both the chits, the accused gave only Rs.1,00,000/- (Rupees One Lakh only) and failed to pay the other sum of Rs.1,00,000/- (Rupees One Lakh only). For the period from 17.12.2017 to 09.04.2018, the husband of the petitioner has also paid Rs.36,980/- (Rupees Thirty Six Thousand Nine Hundred and Eighty only) towards two other chits to one Sivaraman. Subsequently, the husband of the petitioner died and the said Sivaraman failed to repay the said amount and he committed cheating. The learned District Munsif cum Judicial Magistrate dismissed the petition stating that the matter in issue is only civil transaction and prayed the impugned order to be set aside.

3.On the side of the respondent, it is stated that the entire case is only based on money transaction covered by an agreement. No



evidence under Section 420 of IPC is made out and prayed the petition to be dismissed.

4.It is seen that the prayer in the complaint before the police filed by the petitioner is to get back the amount, failing which, to register the case. The same prayer was given in the petition under Section 156(3) of Cr.P.C. The main remedy sought for by the petitioner is return of money. No documents regarding the chit transaction is filed along the petition.

5.In the above circumstances, no prima facie criminal case is made out against the said Sivaraman. There is nothing sufficient enough to interfere in the order passed by the trial Court. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Principal District Munsif cum Judicial Magistrate, Karaikudi.
- 2.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MRN

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