



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.336 of 2021

and

Crl.MP(MD)No.3354 of 2021

Rajeswari

: Petitioner/Petitioner/A2

Vs.

The Inspector of Police,
District Crime Branch,
Madurai, Madurai District.
(In Crime No.21 of 2005)

: Respondent/Respondent/Complainant

Prayer: Criminal Revision filed under sections 397 r/w 401 of the Code of the Criminal Procedure against the order, dated 18.02.2021 made in Cr.M.P No.4462 of 2007 in CC No.120 of 2006 on the file of the Judicial Magistrate No.1, Madurai.

For Petitioner	: Mr.R.Gandhi
For Respondent	: Mr.RMS.Sethuraman
	Standing Counsel for State
	(Criminal side)

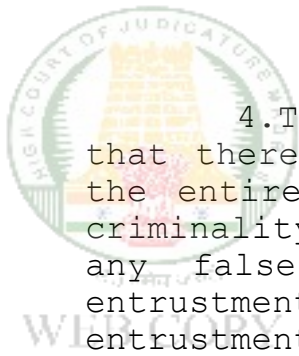
O R D E R

This Criminal Revision is directed against the order, dated 18.02.2021 made in Cr.M.P No.4462 of 2007 in CC No.120 of 2006 on the file of the Judicial Magistrate No.1, Madurai, dismissing the application filed under section 239 of Cr.P.C for discharging the petitioner from the case.

2.It reveals from the records that based on the private complaint filed by one S.Ravichandran, before the Judicial Magistrate No.2, Madurai, on 25.04.3005, the respondent police registered a case in Crime No.21 of 2005 under sections 406, 418, 420 r/w 120 IPC against the petitioner and two others. After completing investigation, the respondent police filed a final report before the Judicial Magistrate No.1, Madurai, as against one Muralidharan and his wife, the petitioner herein and they have been arrayed as A1 and A2. The petitioner/A2 filed a petition in Crl.M.P No.4462 of 2007 on the file of the Judicial Magistrate No.1, Madurai, for discharging her from the charges. The learned Magistrate, by order, dated 18.02.2021 dismissed the petition. Aggrieved over the same, the petitioner/A2 is before this court.

3.Heard both sides and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The learned counsel appearing for the petitioner/A2 argued that there was no case made out as against this petitioner/A2 and the entire allegation is nothing, but a civil transaction and no criminality involved in this case and the petitioner/A2 has not made any false representation to the de-facto complainant and no entrustment with the petitioner/A2 and no conversion of the entrustment by the petitioner/A2 for her personal use, so as to attract an offence of cheating under section 420 IPC and there is no evidence to show that the petitioner/A2 conspired with the other accused to cheat the de-facto complainant and the de-facto complainant has misused the police force to convert a business and money transaction into one as a criminal case, which is nothing, but an abuse of process of law and no prima facie case is made out as against the petitioner and prays that the Criminal Revision has to be allowed.

5.On the other hand, the learned Standing counsel appearing for the respondent/State argued that the trial court, after perusal of the entire records in a proper manner, has passed the impugned order, which do not call for any interference of this court and prays for dismissal of the Criminal Revision.

6.In this case, the de-facto complainant filed a private complaint under section 200 of the Criminal Procedure Code and a case was registered under sections 406, 418, 420 r/w 120 IPC by the respondent police as against three persons. Then, the respondent police filed a final report as against two persons under sections 406, 418, 420 r/w 120 IPC and the same was taken on file as CC No.120 of 2006. At this stage, only it is to be decided, whether any prima facie case is made out or not. Further, the truth of the case will be decided by way of examination of witnesses and production of documents.

7.Perusal of the materials available on record, it is seen that prima facie case is made out as against this petitioner/A2. There was no illegality or irregularity in the order passed by the trial court. The trial court correctly dismissed the petition filed by the petitioner/A2 for discharge. Hence, it is held that it is not necessary to interfere into the findings of the trial court.

8.In the result, this Criminal Revision fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

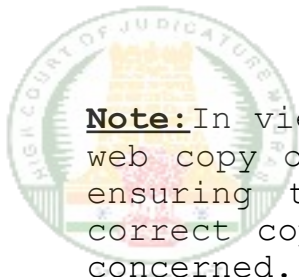
Sd/-

Assistant Registrar (CS III)

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/ /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.

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To

- 1.The Judicial Magistrate No.1,
Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Madurai,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.GANDHI, Advocate (SR-28126[F] dated 03/09/2021)

Crl.RC(MD)No.336 of 2021
03.09.2021

RS (15.09.2021) 3P 5C