



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.587 of 2020

Balamurugan

.. Petitioner

Vs.

The Sub Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for records in relating to the impugned order, dated 25.08.2020, made in Cr.M.P.No.154 of 2020 on the file of the Judicial Magistrate, Paramakudi and to set aside the same as illegal.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mrs.S.Bharathi
Government Advocate

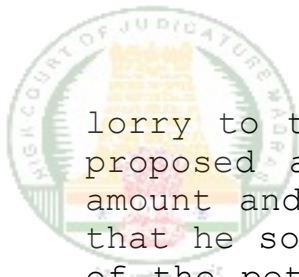
ORDER

This Criminal Revision Case has been filed to call for records in relating to the impugned order, dated 25.08.2020, made in Cr.M.P.No.154 of 2020 on the file of the Judicial Magistrate, Paramakudi and to set aside the same.

2.The petitioner filed a complaint before the respondent police and the same was closed as money dispute. Again, the petitioner approached the Deputy Superintendent of Police and sent the complaint. A case in C.S.R.No.346 of 2020 was registered and the proceeding was closed by the respondent police. The petitioner filed a petition before the Judicial Magistrate, Paramakudi, in Cr.M.P.No.154 of 2020, under Section 156(3) Cr.P.C. That petition was dismissed by the Judicial Magistrate, Paramakudi. Against the same, the petitioner preferred this Revision.

3.On the side of the petitioner, it is stated that there was a sale agreement between the petitioner and the proposed accused regarding the sale of a lorry bearing Registration No.TN-20-AV-7354 and the amount fixed for the sale of lorry is Rs.6,10,000/- (Rupees Six Lakhs and Ten Thousand only) and the proposed accused paid only an advance of Rs.1,00,000/- (Rupees One Lakh only) and he undertakes to pay the balance within a period of fifteen days.

The respondent police in good faith has handed over the possession of the



lorry to the accused. Even after the completion of 15 days, the proposed accused did not come forward to pay the balance sale amount and he failed to return back the lorry also. It is heard that he sold the lorry to some third person, without the knowledge of the petitioner. The Registration Certificate was still in the name of the petitioner. If at all the proposed accused or his subsequent purchaser involved in any offence, the petitioner will be put into trouble. But, the trial Court failed to consider all these aspects and dismissed the petition under section 156(3) Cr.P.C. and prayed the impugned order to be set aside and the complaint to be registered as an F.I.R.

4. On the side of the prosecution, it is stated that the prayer in the complaint is only to return back the vehicle and it was only a money dispute. The complaint lodged by the petitioner was closed by the police and this revision has no merit and prayed the petition to be dismissed.

5. A perusal of the copy of the complaint reveals that the prayer in the complaint is to return back the tipper lorry and that complaint was closed by the respondent police, as it is only a civil dispute. Again, the petitioner approached the Deputy Superintendent of Police and in that complaint, dated 15.03.2020 the prayer was for return of the vehicle. It is seen that the complaint in C.S.R.No.346 of 2020 was registered on 06.09.2020 and that petition was subsequently closed. The petitioner filed a petition in Cr.M.P.No.154 of 2020, stating that it was the duty of the respondent to seize the vehicle and the prayer is to register an F.I.R and charge sheet. On the above petition, the Magistrate has passed the following order:

" Without following the Motor Vehicle Rules, they entered into an agreement and they have to approach only the Civil Court."

6. When the complaint is for return of the vehicle or for return of money, the remedy is not before the Criminal Forum. A perusal of the records reveals that there is nothing wrong in the order passed by the trial Court.

7. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CS-I)

// 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 Judicial Magistrate,
Paramakudi.
- 2.The Sub Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District .
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3142[F] dated 03/02/2021)

Crl. R.C. (MD) No.587 of 2020
02.02.2021

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TR (26.02.2021) 3P 5C