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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.685of 2022

1.M.Selvi (female/42 years) ... Petitioner

Versus

1.The Assistant Commissioner of Police,
Central Crime Branch,
Veppery, Chennai - 600 007.

2.The State Rep.by
Inspector of Police,
Peerkankaranai Police Station,
Perungalathur, Chengalpattu District. ... Respondent

Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to set aside the order dated 15.12.2021 in Crl.M.P.No.3339 of 2021 passed by the Learned Judicial Magistrate No.I, Tambaram and consequently, direct the first respondent/police to investigate and register the First Information Report (FIR).

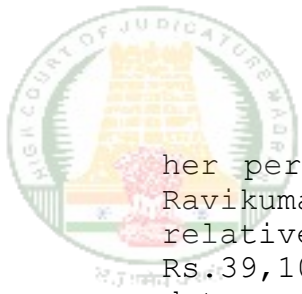
For Petitioner : Mr.S.Selvaraj

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.side)

O R D E R

This Criminal Revision is filed aggrieved by the order dated 15.12.2021 in and by which the petition filed by the petitioner to refer her complaint for investigation as per Section 156 (3) of Crl.P.C., has been rejected on the ground that she should approach the Civil forum and also to take steps to initiate proceedings under the Negotiable Instruments Act.

2.Perusal of the complaint would reveal that the accused along with his family members have adopted a modus operandi in and by which they received various amount from the petitioners on the assurance of granting interest free loan from the Trust, in which they are members. According to the petitioner, she was made to give a sum of Rs.19,10,000/- being 25% as advance from



her personal savings and by pledging her jewels to the accused Ravikumar apart from mobilizing Rs.20 lakhs from his friends and relatives and paid it to Ravikumar. Thus, totally, a sum of Rs.39,10,000/- was paid to the accused Ravikumar on various dates and such amount were paid either to the accused or to his son and daughter. On receipt of the amount, various fake receipts were given to the petitioner. Even though the photo copies and the cheque leaves for the loan amount have been given to the petitioner, those cheques were never handed over. However, after receipt of the amount, the said Ravikumar and his family members absconded and their whereabouts were not known. Therefore, the petitioner has given a complaint to the respondents, but no action was taken thereof. The petitioner has therefore filed the Petition before the Court below.

3.Thus, the complaint reveals that the ingredients of the offences of cheating, forgery etc., are clearly made out, therefore, the order of the Trial Court that the dispute is Civil in nature or the petitioner can only resort to ventilate her grievance by way of private complaint under Section 138 of the Negotiable Instruments Act, is unsustainable. The Criminal revision is therefore allowed on the following terms:-

(i) The order dated 15.12.2021 in C.M.P.No.3339 of 2021, passed by the learned Judicial Magistrate No.I, Tambaram, is set aside.

(ii) The complaint dated 11.12.2019 is referred to the first respondent/police to register a First Information Report and to investigate the same and file a final report, in accordance with the law.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

klt

To

- 1.The Judicial Magistrate No.I, Tambaram.
2. The Assistant Commissioner of Police, Central Crime Branch, Veppery, Chennai - 600 007.
3. The Inspector of Police, Peerkankaranai Police Station, Perungalathur, Chengalpattu District.



4. The Public Prosecutor, High Court of Madras.

+1cc to Mr.S.Selvaraj, Advocate, S.R.No.34489

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Cr1.R.C.No.685 of 2022

SR-II (CO)
CT/30/06/2022