

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM

THE HONOURABLE Mr. JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.No.856 of 2022

Dr.Raja Ramanan

.. Petitioner

Vs.

1. The Assistant Commissioner of Police,
Greater Chennai Police,
Chennai.

2. The Inspector of Police,
Teynampet Police Station,
Teynampet, Chennai.

.. Respondents

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, 1973, to set aside the order dated 11.04.2022 in Crl.M.P.No.347 of 2022 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.S.Senthil Murugan

For Respondents : Mr.S.Vinoth Kumar
Government Advocate

O R D E R

This revision is filed to set aside the order dated 11.04.2022 in Crl.M.P.No.347 of 2022 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

2.It is an unfortunate case where the petitioner, who is a Doctor, after purchasing a valuable property, being a residential flat in Poes Garden, believing the words of the proposed accused that he will pay the further amount of advance of Rs.1.4crore and by receiving only Rs.10,00,000/- had handed over the key of his flat to the accused. After the key was given, the accused neither paid the balance nor returned the key and was threatening him whenever he demands to vacate.

3.It is seen from the complaint itself that the proposed accused did not trespass into the property, but the key was as a matter of fact prematurely given by the defacto complainant. So, under the said circumstances, the transaction has become

civil in nature. Therefore, with a liberty to the petitioner to work out his remedy by filing a civil suit or appropriate rent control proceedings, I am of the view that the order of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.347 of 2022, dated 11.04.2022, cannot be interfered with.

4. Accordingly, the revision is dismissed with the liberty as stated above.
sli

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sli

To

1. The XVIII Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Assistant Commissioner of Police,
Greater Chennai Police,
Chennai.
3. The Inspector of Police,
Teynampet Police Station,
Teynampet, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Chief Judicial Magistrate,
Egmore, Chennai-8.

CRL.R.C.No.856 of 2022

GPL(CO)
CT/28/07/2022