



WEB COPY



Crl.R.C.No.139 of 2022

Crl.R.C.No.139 of 2022

D. BHARATHA CHAKRAVARTHY,
J.

Today this matter is posted as
“being mentioned”.

2.It is seen that even though this Criminal Revision Case is of the year 2022, erroneously in all pages of the order, it is typed as Crl.R.C.No.139 of 2020. The same is a typographical error and such is to be corrected.

3.Therefore, the Registry is directed to correct the year of the case as Crl.R.C.No.139 of 2022 instead of Crl.R.C.No.139 of 2020 wherever it arises, and re-issue the order copy of the same to the parties concerned.

07.11.2022

klt



WEB COPY



Crl.R.C.No.139 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.139 of 2020

Kesavan Kannan

.. Petitioner

Vs

1. K.Srinivasan
2. Pauline Jayaseeli
3. R.Krishnamachari
4. K.Sumathi
5. C.R.Kailashnath

.. Respondents

Prayer: Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to set aside the order dated 19.12.2019 made in Crl.M.P.no.4256 of 2018 passed by the Chief Metropolitan Magistrate, Egmore, Chennai and direct the lower Court to take appropriate legal cognizance against the respondents by exercising judicial powers vested with the Hon'ble Court.

For Petitioner : Mr.R.Kalyan Kishen Singh

For Respondent : No Appearance
for respondents 1 and 2

Mr.H.Navas Basha
for respondents 3 and 4



ORDER

WEB COPY

The revision is filed aggrieved by the order of the learned Chief Metropolitan Magistrate, Egmore, Chennai dated 19.12.2019 in CrI.M.P.No.4256 of 2018, in and by which the complaint filed by the petitioner under Section 200 of the Code of Criminal Procedure was rejected by the learned Magistrate on the ground that the matter is civil in nature.

2. A perusal of the complaint, it is seen that in the year 1999, the petitioner had advanced loan to the accused who were then running a business in the name and style of partnership by the name *Innovative Surgicaa*, to the tune of Rs.1,13,87,841/-. After obtaining the loan, they never repaid the loan. They also converted their partnership firm into a private national company in the name and style of *Innovative Surgicaa Pvt. Ltd. Company*. Thereafter, whenever he came to India, he started demanding the amount, but he was threatened and manhandled and had to go empty handed to the U.S.

3. In response to the complaint, the respondent police had filed a report, in and by which they have had given details that the petitioner has given repeated complaints in respect of the selfsame cause of action and in all



those occasions, it was enquired into and replied as civil in nature. After considering the same, the Trial Court also closed the present complaint as civil in nature, as against which the present revision is filed.

4. It is seen from the complaint that there are no averments that at the inception, with the intention to cheat, the accused had borrowed the loan. It can only be ascertain from the complaint that after getting the loan, thereafter, they failed to pay the money. It is also seen that the alleged borrowal is of the year 1999.

5. In view of the facts above, I do not find any error in the order of the learned Chief Metropolitan Magistrate, Egmore, Chennai, rejecting the complaint of the petitioner and accordingly, this revision is without any merits and hence, the revision is dismissed.

Index : yes/no
Speaking/Non-speaking order
drm

12.08.2022

To
The Chief Metropolitan Magistrate, Egmore, Chennai.

D.BHARATHA CHAKRAVARTHY, J.



WEB COPY



Crl.R.C.No.139 of 2022

drm

Crl.R.C.No.139 of 2020

12.08.2022