WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.1067 of 2021

S.Perumal ... Petitioner/Complainant

Versus

1.Mr.T.Arikumaran ... 1st Respondent/Accused

2.Mr.Palani ... 2nd Respondent/ Accused

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 16.11.2021 passed by the learned Judicial Magistrate No.I, Tambaram in Crl.M.P.No.2811 of 2021.

For Petitioner : Mr.P.K.Ganesh

For R1 & R2 : Mr.S.Muthukumar

O R D E R

This Revision is preferred against an order dated 16.11.2021 of the learned Judicial Magistrate No.I, Tambaram dismissing Crl.M.P.No.2811 of 2021 on a complaint preferred by the complainant under Section 156 (3) r/w 200 Cr.P.C.

2.In the complaint, which runs to 27 paragraphs, the complainant/Revision Petitioner herein alleges that he had borrowed a sum of Rs.50,00,000/- from Palani, the second respondent herein, that as per the terms agreed upon he has to pay interest at 24% p.a., that the interest money was to be paid in cash, that he has parted with 18 blank cheques to Palani, that he paid interest for 5 months by cash, and thereafter settled the entire amount payable to Palani by transferring the funds from his account by RTGS. However, Palani did not return the cheques and he has now set up the first respondent, who has made use of one of the cheques earlier left with Palani, that the first respondent herein has invoked Section 138 of the NI Act to file a complaint, since the said cheque was dishonoured. Thereafter, the revision petitioner /complainant narrates how he suspects that certain provisions of the Income Tax Act, 1961, and how the Prevention of Money Laundering Act, 2002 might have been violated. Ultimately, he requires the Court to take cognizance of the offences under Section 34, 120(b), 294(b), 417, 420, 427, 464 and 506(i) of IPC.

WEB COPY

3.The learned Magistrate has taken the sworn statement of the complainant / revision petitioner, and thereafter dismissed the complaint.

4.The complaint can be divided into two parts: One part deals with the suspected involvement of the respondents in offences under the provisions of the Income Tax Act, or the Prevention of Money Laundering Act. But they can be initiated only by a private complaint of the Authorities constituted by the respective Acts. The second part relates to the allegation about certain offences which the petitioner lists in paragraph no.26 of his complaint, but, there must be some ingredients of these offences left in the complaint. Not a sentence this Court could find which may prima facie enable the Court take cognizance for any of the offences as stated in paragraph no.26 of the complaint. When not even an allegation as constituting an offence under Sections 34, 120(b), 294(b), 417, 420, 427, 464 and 506(i) of IPC is stated in the complaint, this Court cannot conclude that the approach of the learned Magistrate is faulty.

5.This Court therefore, does not find any material to interfere with the order dated 16.11.2021 in Crl.M.P.No.2811 of 2021 of the learned Judicial Magistrate No.I, Tambaram and accordingly this Criminal Revision Case is dismissed. It is now open to the Revision Petitioner to workout his remedy as per such provisions of law as may be available to him.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Tsg

To

The Judicial Magistrate No.I,
Tambaram.

+1cc to Mr.P.K.Ganesh, Advocate, S.R.No.12914
+1cc to Mr.S.Muthu Kumar, Advocate, S.R.No.12278

Crl.R.C.No.1067 of 2021

MT(CO)
SB(31/03/2022)

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