



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Cr1.R.C. (MD)No.142 of 2021

N.Shrinivas Vivek

... Revision Petitioner/
Defacto Complainant

Vs.

1.M/s.Vikram Industrial Supply Company,
Represented through its Managing Partner,
Mr.R.Balasubramanian.

2.R.Balasubramanian

3.B.Sornadevi

4.Arun Narayanan

5.The Inspector of Police,
District Crime Branch,
Tuticorin,
Tuticorin District.

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to set aside the order passed by the Judicial Magistrate No.IV, Thoothukudi in Cr.M.P.No.12166 of 2019 dated 29.01.2021.

For Petitioner : Mr.G.Karuppasamy Pandian

For Respondent : Mr.G.Aravintham
No.1

For Respondent : Mr.N.S.Karthikeyan
No.4

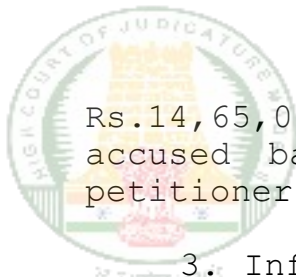
For Respondent : No Appearance
No.2 & 3

For Respondent : Mrs.M.Aasha
No.5 Government Advocate (Cr1.Side)

ORDER

This Criminal Revision has been filed to call for the records and to set aside the order passed by the Judicial Magistrate No.IV, Thoothukudi in Cr.M.P.No.12166 of 2019 dated 29.01.2021.

2. On perusal of the complaint lodged by the petitioner, it reveals that the first and the fourth respondent herein entered into Escrow agreement in which the petitioner was appointed as the sole power of attorney. As per the terms of the said agreement, the petitioner herein only can operate the account and as such any fund transfer should be initiated by the fourth respondent herein only after consent letter from the petitioner. Accordingly a sum of



Rs.14,65,000/- was transferred from the said account to the first accused bank account without the consent and knowledge of the petitioner, thereby cheated the petitioner herein.

3. Infact on the complaint lodged by the petitioner herein, the fifth respondent herein conducted detailed enquiry and found that the power of attorney executed in favour of the petitioner dated 31.03.2019 was cancelled as early as on 17.07.2019 itself, therefore the petitioner has no power to give complaint or transfer any amount and closed the complaint. Hence the petitioner has filed petition seeking direction under Section 156(3) of Cr.P.C. The learned Magistrate has dismissed the petition on the ground that the petitioner without following the procedure as contemplated under Section 156(3) of Cr.P.C has approached the magistrate Court under Section 156(3) of Cr.P.C. As stated supra, there is no ingredient to make out the offence as against the petitioner.

4. In view of the same, the Criminal Revision stands dismissed.

Sd/-

Assistant Registrar (PROTOCOL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Judicial Magistrate No.IV, Thoothukudi.

2. The Inspector of Police,
District Crime Branch,
Tuticorin,
Tuticorin District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



+1 CC to M/s.G. ARAVINTHAN, Advocate (SR-19836[F] dated
20/04/2022)

+1 CC to M/s.N.S. KARTHIKEYAN, Advocate (SR-20349[F] dated
22/04/2022)

CrI.R.C.(MD)No.142 of 2021
20.04.2022

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