



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.373 of 2022

D.Sathrak @ Ssathraj

... Petitioner/Petitioner

Vs.

1.Prasath Mahajan

2.Rusinkesa Mahajan

3.Vijaya Vilas Raupat

... Proposed Accused

4.The State of Tamil Nadu,

Represented by the Inspector of Police,

C2, Subramaniapuram Police Station,

Madurai.

... Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the order of the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.No.857 of 2022, dated 21.03.2022.

For Petitioner

: Mr.S.Palpandi

For R4

: Mrs.Aasha

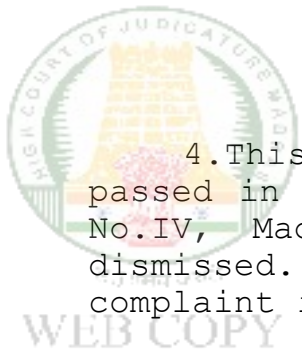
Government Advocate (Crl.Side)

ORDER

The criminal revision case has been filed challenging the order passed by the learned Judicial Magistrate No.IV, Madurai, thereby dismissed the petition filed seeking a direction under Section 156 (3) of Cr.P.C.

2.The petitioner had lodged a complaint alleging that he had been purchasing pomegranate from the proposed accused. In order to purchase pomegranate, the petitioner had paid a sum of Rs.7,50,000/- to the first proposed accused on 03.02.2022 and a sum of Rs.35,000/- and Rs.45,000/- to the second proposed accused on 02.02.2022 and 04.02.2022. Towards the transportation charges, the petitioner had also paid a sum of Rs.60,000/- to the third proposed accused. However, the petitioner did not receive any pomegranate from the proposed accused persons. He enquired the second accused as well as the lorry driver about the despatch of the pomegranate. They informed that the lorry has started from Gujarat on 04.02.2022 itself. Even till today, the lorry had not come.

3.Considering the above, the entire business transactions are civil in nature. Therefore, the Court below rightly dismissed the petition in Cr.M.P.No.857/2022 filed seeking direction under Section 156(3) of Cr.P.C.



4.This Court finds no infirmity or illegality in the order passed in Cr.M.P.No.857 of 2022 by the learned Judicial Magistrate No.IV, Madurai. Therefore, the criminal revision case stands dismissed. However, the petitioner is at liberty to file a private complaint in the manner known to law, if so advised.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.IV,
Madurai.
- 2.The Inspector of Police,
C2, Subramaniapuram Police Station,
Madurai.
- 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. (2 copies)

+1 CC to M/s.S. PALPANDI, Advocate (SR-19888[F] dated 20/04/2022)
CrI.R.C.(MD)No.373 of 2022
18.04.2022

svn(CO)
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