



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.327 of 2021

V.Chokkalingam

... Petitioner/Petitioner
Vs.

- 1.Jothi Balakrishnan
- 2.Saranya
- 3.Viswanathan
- 4.Venkatesan

... Respondents 1 to 4/
Proposed Accused

- 5.The Inspector of Police,
B1, Vilakuthoon Police Station,
Madurai.

... 5th Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the impugned order passed in Crl.M.P.No.846 of 2021, dated 06.03.2021 on the file of the learned Judicial Magistrate No.I, Madurai and to set aside the same and allow the complaint as prayed for.

For Petitioner	: Mr.Niranjana S.Kumar
For R - 1	: Mr.C.Meenakshi Rama Prabhu
For RR 2 & 3	: Mr.N.Saravanan
For R - 4	: Mr.N.Shyllappa Kalayan
For R - 5	: Ms.M.Aasha
	Government Advocate (Crl. Side)

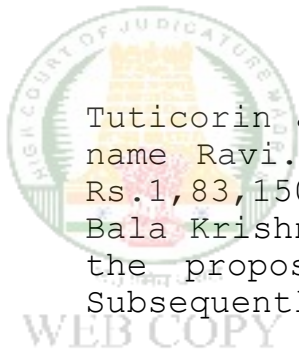
ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.846 of 2021, dated 06.03.2021 on the file of the learned Judicial Magistrate No.I, Madurai, thereby dismissed the complaint filed under Section 156(3) of Cr.P.C.

2.The learned counsel appearing for the petitioner would submit that already the entire bundle has been handed over to the petitioner and also withdrawn his memo of appearance filed on behalf of him.

3.Though the counsel already handed over the bundle to the petitioner and had withdrawn his appearance, the petitioner failed to engage any counsel on his behalf to appear before this Court. Today, no one appeared in person or by new counsel.

4.On a perusal of the complaint lodged by the petitioner revealed that the proposed accused persons were doing wholesale pulses business in the name and style of SRMN Bala Traders at



Tuticorin and they were introduced to the petitioner by a broker by name Ravi. Accordingly, the petitioner supplied Dhal for a sum of Rs.1,83,150/-. Thereafter, the owner of the said concern, namely, Bala Krishnan died. When the petitioner demanded for the sale price, the proposed accused persons undertook to pay the sale price. Subsequently, they failed to pay the sale price.

5.Since the entire transaction between the parties are civil in nature and no cognizable offence is made out as against the respondents 1 to 4 herein, the Court below rightly dismissed the petition seeking direction under Section 156(3) of Cr.P.C and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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.I,
Madurai.

2.The Inspector of Police,
B1, Vilakuthoon Police Station,
Madurai.

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-19201[F] dated
19/04/2022)

Crl.R.C(MD)No.327 of 2021
13.04.2022

SRK(CO)
KB(28.04.2022) 2P 5C