



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.484 of 2021

K.Manthirammoorthi

... Petitioner/Petitioner

Vs.

1.The Inspector of Police,
Central Police Station,
Tuticorin.

2.Sampathkumar

.... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to set aside the order passed in Cr.M.P.No.695 of 2021 on the file of the learned Judicial Magistrate Court No.II, Tuticorin, dated 25.03.2021 by allowing this Criminal Revision Case and direct the first respondent to register the case.

For Petitioner : Mr.V.S.Kishok Kumar

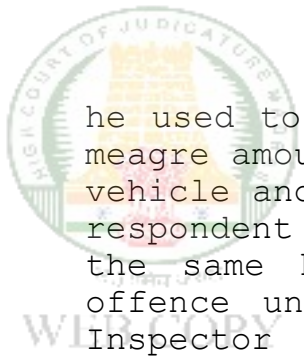
For R - 1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed challenging the order passed in Cr.M.P.No.695 of 2021 on the file of the learned Judicial Magistrate Court No.II, Tuticorin, dated 25.03.2021, thereby dismissing the complaint lodged by the petitioner seeking direction under Section 156(3) of Cr.P.C.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3.On a perusal of the records revealed that the petitioner owned lorry bearing Registration No.TN-34-Q-5845. While being so, on 08.04.2019, the second respondent entered into an agreement with the petitioner to purchase the vehicle and agreed to pay a sum of Rs.1,00,000/- as an advance and a sum of Rs.9,50,000/- to TVS credit service. Accordingly, he paid a sum of Rs.1,00,000/- and had taken delivery of the said lorry from the petitioner on promise that he would pay the balance to TVS credit service. However, the second respondent failed to make any payment to TVS credit service as agreed by him. The modus operandi of the second respondent is that



he used to purchase the vehicles in the same manner by paying some meagre amount and took the vehicles and thereafter, he dismantled the vehicle and sell out by part by part. In fact, as against the second respondent similar complaint has been lodged by one Selvarangam and the same has been registered in Crime No.2526 of 2020 for the offence under Sections 406 and 420 of I.P.C on the file of the Inspector of Police, Madhavaram Police Station, Manali. Without considering the above, the learned Magistrate misconstrued that as the entire dispute is civil in nature and directed the petitioner to approach the civil Court for appropriate relief.

4.In view of the above, the order passed in Cr.M.P.No.695 of 2021, dated 25.03.2021, on the file of the learned Judicial Magistrate Court No.II, Tuticorin, is set aside and the Criminal Revision Case is allowed. The first respondent is directed to register the F.I.R as against the second respondent and deal with the complaint on merits and in accordance with law.

Sd/-

Assistant Registrar (CS III)

// 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 Court No.II,
Tuticorin.
- 2.The Inspector of Police,
Central Police Station,
Tuticorin.



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

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-8894[F] dated
25/02/2022)

Order made in
Crl.R.C(MD)No.484 of 2021
24.02.2022

MK(05.03.2022) 3P 5C