



CrI.R.C.No.115 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CrI.R.C.No.115 of 2023

M/s.Daebu Automative Seat India Pvt.Ltd.,
Represented by its H.R.
Mr.R.Shiva
No.492, Mannur Village,
Valarpuram Road,
Sriperumbudur Taluk,
Kancheepuram District,
Tamilnadu-602 025.

... Petitioner

Vs.

1.State by
The Superintendent of Police,
Superintendent of Police Office,
RMFW+4RP, Thaiyur Kullam,
Kancheepuram-631 501.

2.The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur-602 105.

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order passed in



Crl.R.C.No.115 of 2023

Crl.M.P.No.3777 of 2022 dated 07.11.2022 by the learned Judicial Magistrate, Sriperumbudur, Chennai by allowing this Criminal Revision Case.

For Petitioner	: Mr.B.Govindaprabu
For Respondent	: Mr.V.Meganathan
	Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is filed challenging the order passed by the learned Judicial Magistrate, Sriperumbudur in Crl.M.P.No. 3777 of 2022 dated 07.11.2022.

2.The petitioner filed Crl.M.P.No.3777 of 2022 seeking for a direction, to direct the 2nd respondent viz. the Inspector of Police, Sriperumbudur Police Station, Sriperumbudur 602105 to register the complaint based on the complaint given by the petitioner on 11.01.2022, but the same was dismissed by the trial Court.

3.Therefore, it is the contention of the learned counsel for the petitioner that the Trial Court without considering the allegations raised in



Crl.R.C.No.115 of 2023

the complaint refused to forward the complaint to the police for investigation under Section 156(3) Cr.P.C. Hence, the impugned order has to be set aside and the complaint has to be forwarded to the respondent police for investigation and filing Final Report.

4. Heard the learned Government Advocate (Crl.Side) for the respondents and perused the records carefully.

5. On a perusal of the records, the fact reveals that the petitioner filed a private complaint dated 11.01.2022 under Section 156(3) of Cr.P.C., before the Judicial Magistrate, Sriperumbudur. In the complaint, it is alleged that the accused and the complainant have business transaction and the alleged accused persons received the materials for the value of Rs.30,00,000/-. For that value, the accused gave the cheques drawn on State Bank of India, Karunguzhi branch. When presented for collection, all the cheques were returned. Thereafter, the accused threatened the complainant. Hence he gave a complaint on 11.01.2022. Since no action has been taken



by the police, a private complaint has been filed before the Trial Court. The Trial Court found that there was a business transaction between the complainant and the accused persons and there was no element of cheating at the inception of transaction between the parties. Apart from this, for the value of the goods received by the accused, he gave six cheques, which were dishonoured. In respect of prosecuting the offence committed under Section 138 of Negotiable Instruments Act, forwarding the complaint to the respondent police to register the case is unsustainable.

6. I find no irregularity or illegality in the order passed by the learned Magistrate. I find no merit in the Criminal Revision Case and the same is liable to be dismissed.

7. Hence, the Criminal Revision Case is dismissed.

24.01.2023

rpl



Crl.R.C.No.115 of 2023

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To

1.The Judicial Magistrate, Sriperumbudur

2.The Superintendent of Police,
Superintendent of Police Office,
RMFW+4RP, Thaiyur Kullam,
Kancheepuram-631 501.

3.The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur-602 105.

4.The Public Prosecutor,
High Court of Madras,
Chennai-104.



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Crl.R.C.No.115 of 2023

V.SIVAGNANAM, J.,

rpl

Crl.R.C.No.115 of 2023

24.01.2023