



Crl.O.P.No.3492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3492 of 2023

&

Crl.M.P.Nos.2149 & 2151 of 2023

A.K.Perumalsamy

...

Petitioner

-VS-

Reshmi

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to the criminal case filed in C.C.No.30 of 2022 filed before the Judicial Magistrate Court at Sathyamangalam, quash the same by allowing this Criminal Original Petition.

For Petitioner

...

Mr.A.Atchudan

For Respondent

...

No appearance

ORDER

This Criminal Original Petition has been filed to call for the records relating to the criminal case filed in C.C.No.30 of 2022 filed before the Judicial Magistrate Court at Sathyamangalam, quash the same by allowing this Criminal Original Petition.



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2. Learned counsel for the petitioner submitted that, private complaint was given by the respondent against the petitioner, alleging that, after receiving Rs.7,25,000/- on the promise of selling a land of the petitioner, petitioner did not sell the land and cheated her. It is further submitted by learned counsel for the petitioner that, petitioner had repaid the money through cheque. There is no criminal offence made out against the respondent. If at all, any relief available to the respondent, respondent has to approach the Civil Court. Therefore, the petition is filed for quashing the criminal case filed in C.C.No.30 of 2022 filed before the Judicial Magistrate Court at Sathyamangalam.

3. Considered the submission of the learned counsel for the petitioner and perused the records.

4. The reading of the complaint shows that, respondent gave a complaint against the petitioner, alleging that, petitioner approached the respondent for selling a piece of land, which he intended to plot out. On



the basis of his assurance, respondent paid Rs.25,000/- by cash and Rs.5,00,000/- through cheque on 16.09.2019 and Rs.2,00,000/- on 21.09.2019 through online money transaction. Thereafter, respondent went to Mumbai in connection with her work. She returned in May 2020 and asked for the execution of Sale Deed, but petitioner refused to execute the Sale Deed. When enquired, it came to light that petitioner sold the entire land to a third party. When the respondent demanded money back, petitioner, though undertook to return the money did not return the same. When money was demanded again, he made criminal intimidation. Therefore, complaint was given under Section 420, 294(b) and 406 of IPC. Learned Judicial Magistrate, Sathyamangalam, on considering that *prima facie* case is made out against the petitioner, took cognizance of the case for the offences under Sections 294(b), 420 and 406 of IPC and issued summons. Challenging the private complaint, this petition is filed.

5. The complaint allegations clearly makes out a case that, petitioner received a sum of Rs.7,25,000/- from the respondent, on the promise of selling a piece of land. However, he neither sold the land nor repaid the



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amount. On the other hand, he used abusive words against the respondent, when she demanded money. The claim of learned counsel for the petitioner that petitioner repaid the amount is a disputed fact and that disputed fact cannot be considered now. As already stated, the complaint allegations makes out a *prima facie* case of commission of cognizable offence by the petitioner.

6. Therefore, the prayer for quashment of the criminal case filed in C.C.No.30 of 2022 filed before the Judicial Magistrate Court at Sathyamangalam, cannot be considered. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

15.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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To
The Judicial Magistrate Court,
Sathyamangalam



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G.CHANDRASEKHARAN, J.

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