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Crl.OP.No.2994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2994 of 2023

P.K.Jayaraman

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
B1 – Police Station,
Dharmapuri Town,
Dharmapuri

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the docket order of return of the petition filed under Section 156(3) dated 05.01.2023 in Crl.M.P.Sr.No.16 of 2023 on the file of the Judicial Magistrate Court No.I, Dharmapuri and consequently direct the Trial Court to take the application on file and decide the same on merits.

For Petitioner

: M/s. C.Prabakaran

For Respondents

: Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to set aside the docket order of return of the petition filed under Section 156(3) dated 05.01.2023 in Crl.M.P.Sr.No.16 of 2023 on the file of the Judicial Magistrate Court No.I, Dharmapuri and consequently direct the Trial Court to take the application on file and decide the same on merits.

2. The learned counsel for the petitioner submitted that petitioner filed a private complaint under Section 156(3) of Cr.P.C against one Vimalanathan making allegations that the Vimalanathan after receiving Rs.15,99,000/- did not repay the amount. Therefore, a complaint was given for the offence of cheating and criminal misappropriation. However, learned Judicial Magistrate returned the complaint stating that the amount involved in the cheating was Rs.1,50,000/- and therefore, this Court has no jurisdiction to entertain the complaint. Challenging, the said return, present petition is filed.

3. Considered the rival submissions and perused the records. Complaint



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allegations shows that the accused Vimalanathan received a sum of Rs.15,99,000/- from the petitioner and did not repay the amount. Therefore, alleging that Vimalanathan had cheated the petitioner, private complaint was filed. However, written endorsement shows that the amount mentioned is Rs.1,50,000/-. It is also stated in the written endorsement that the learned Judicial Magistrate has no jurisdiction to entertain the private complaint. When a private complaint is filed under Section 156(3) of Cr.P.C, the learned Judicial Magistrate No.I, Dharmapuri, returning the complaint stating that the he has no jurisdiction to entertain the petition is not correct and not in accordance with law. There is no question of limiting the jurisdiction of a Judicial Magistrate on the basis of value of the amount involved in a criminal case.

4. Accordingly, this Criminal Original Petition is allowed. The written endorsement made by the learned Judicial Magistrate on 05.01.2023 is hereby set aside. The learned Magistrate directed to go through the complaint and pass appropriate orders in the manner known to law.



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5. Registry is directed to return the original complaint to the learned
counsel for the petitioner.

10.02.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To.

1. The Inspector of Police,
B1 – Police Station,
Dharmapuri Town,
Dharmapuri

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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