



Crl.R.C.No.262 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.262 of 2023

Devi

... Petitioner

Vs.

The State Rep. by its
Station House Officer,
H-8, Thiruvottiyur Police Station,
Chennai.

... Respondent

Prayer : Criminal Revision filed under Section 397 & 401 Cr.P.C. to set aside the order dated 20.01.2023 passed in Crl.M.P.No.4341/2022 on the file of the Judicial Magistrate, Thiruvottiyur.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenging the orders dated 20.01.2023 passed by the Judicial Magistrate, Thiruvottiyur in Crl.M.P.No.4341/2022, the present revision



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has been filed.

2.The present revision petitioner is the petitioner in CrI.M.P.No.4341/2022. She filed the petition under Section 156(3) Cr.P.C. for a direction to the police to register FIR on the complaint given by her and investigate the case. In the complaint, the petitioner had stated that the accused Mary Rita, wife of Williams was running a chit fund in which the present petitioner/Devi is a member and that the accused received a sum of Rs.3,99,900/- on various dates from her and failed to repay the same despite repeated demands made by her. Therefore, she approached the respondent police by way of filing a complaint against her. The respondent police issued a challan in C.S.R.No.871/2022 and after conducting an enquiry, closed the CSR on 20.06.2023 on the ground that no prima facie case was made out for registering FIR against the accused. Thereafter, she filed CrI.M.P.No.4341/2022 under Section 156(3) Cr.P.C. before the Judicial Magistrate Court, Thiruvottiyur which was dismissed by the learned Judicial Magistrate, Thiruvottiyur.



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3.Heard Mr.S.Silambuselvan, learned counsel for the revision petitioner and Mr.R.Vinothraja, learned Government Advocate (Crl. Side) for the respondent.

4.Mr.S.Silambuselvan, learned counsel for the revision petitioner contended that apart from the complaint lodged by the present complainant, other members of the same chit transaction also had given similar complaints and that the police is not taking effective steps against the accused and thus they are biased.

5.A perusal of the Status Report filed by the Government Advocate (Crl. Side) shows that they actually conducted enquiry on 20.06.2023 and that during the enquiry, it had come to their light that the present accused had paid a sum of Rs.3,25,000/- to the petitioner herein and that according to the accused, only a sum of Rs.5,000/- is pending. Moreover, it is seen that the present complainant did not submit any oral/documentary evidence to substantiate her allegation that the accused



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is liable to pay a sum of Rs.3,99,900/-. In these circumstances, the respondent police had closed the CSR on the same date.

6.The learned Judicial Magistrate, Thiruvottiur vide his orders dated 20.01.2023 had observed that since the dispute between the petitioner and the accused is purely civil in nature, there is no reason to forward the complaint to the police under Section 156(3) Cr.P.C. The learned Judicial Magistrate also observed that the police had conducted enquiry in CSR.No.871/2022 and also closed the same. In paragraph 3 of the order dated 20.01.2023, the learned Judicial Magistrate had observed thus :

“3.The perusal of documents reveals that the petitioner had complied with the mandatory stipulations enunciated in Section 154 Cr.P.C. However, the perusal of complaint reveals that out of a sum of Rs.2,50,000/-, a sum of Rs.1,75,000/- had been repaid by Mary to the petitioner herein. It also reveals that the said Mary had also paid certain sum of rupees to the petitioner herein. The above facts are in civil nature and the same does



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not disclose commission of any cognizable offences. Since the complaint and the petition filed before this Court does not reveal any commission of cognizable offence, this Court is not inclined to direct the respondent police to register the complaint dated 20.08.2022. The petition is hereby dismissed.”

7.The contention of the learned counsel for the revision petitioner that the police is not taking action on various complaints given by other parties is not substantiated and hence, cannot also be accepted. In fact, the police had enquired both the parties as is seen from the Status Report filed by the learned Government Advocate (Crl. Side). In respect of the complaint given by the other complainants, the police had issued challans and they are also conducting enquiry on the said complaints as contended by the Government Advocate (Crl. Side). The specific contention of the learned counsel for the revision petitioner is that he paid a total sum of Rs.3,99,900/- to the accused towards chit transaction. This Court is of the view that there is nothing on record to show that the accused had committed criminal offence. If the revision petitioner wants



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8.With the above observations, this Criminal Revision is dismissed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

1.The Judicial Magistrate, Thiruvottiyur.

2. The The State Rep. by its
Station House Officer,
H-8, Thiruvottiyur Police Station,
Chennai.

3.The Section Officer,
Criminal Section, High Court, Madras.

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