



Crl.R.C.No.620 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.R.C.NO.620 OF 2023

K.Swaminathan

... Petitioner

Vs.

State Represented by
The Sub-Inspector of Police
EDF-II, Team – III, Central Crime Branch,
Vepery, Chennai – 600 007.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to set aside the order of the learned Chief Metropolitan Magistrate, Egmore, Chennai made in Crl.M.P.No.29949 of 2021 dated 27.12.2021 dismissing the petition filed under Section 156(3) r/w 200 Cr.P.C.

For Petitioner : Mr.S.Yogaraja Sekar
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



WEB COPY



Cr.L.R.C.No.620 of 2023

ORDER

Challenging the order dated 27.12.2021 passed in Cr.L.M.P.No.29949 of 2021 by the learned Chief Metropolitan Magistrate, Egmore, Chennai, dismissing the petition filed under Section 156(3) r/w. 200 Cr.P.C., the petitioner has filed the present Criminal Revision.

2.The learned counsel for the petitioner submitted that the petitioner filed a private complaint under Section 156(3) r/w 200 Cr.P.C., before the learned Chief Metropolitan Magistrate, Egmore, for forwarding it to the respondent police, to register a case and to investigate and to file final report. The learned Magistrate, while passing orders, dismissed the complaint made by the petitioner on the ground that there is a civil dispute between the petitioner and the accused with regard to return of share and other amounts. Further, the allegation of threat is not supported by any materials. Further, in the alleged complaints dated 28.12.2019 and 09.01.2020, the petitioner has not detailed about the threat. The learned Magistrate has not considered the allegation properly and the petitioner mentioned phone number in the



Crl.R.C.No.620 of 2023

complaint to police. The petitioner has been threatened through the goondas.

The learned Magistrate has not considered the allegation properly and failed to forward the complaint for registering a case to the respondent police and dismissed the petitioner, which is under challenge in this Criminal Revision Case.

3. When the matter is taken up for hearing, the learned Government Advocate (Criminal side) submits that on receipt of the complaint from the Commissioner, the respondent police investigated the matter and found that there is a dispute between the petitioner and the Founder of M/s.Smart Training Resources Private Limited and there was a dispute between them with regard to the Share Purchase Agreement. In this regard, the petitioner sent a notice for appointment of an Arbitrator with regard to the settlement of the disputed amount of Rs.3,14,00,000/-. They also sent a legal notice on 16.12.2019. Since there is no material for the threat call received by the petitioner, the respondent police closed the complaint as it involves civil dispute and sent a closure report to the complainant.



Crl.R.C.No.620 of 2023

4.Heard the submissions made on either side and perused the materials available on record.

5.On perusal of records and the impugned order, it is noticed that the learned Magistrate has discussed about the allegation of the complainant. Further, in the complaint, the complainant has stated he was joined in M/s.Smart Training Resources Private Limited as a Director and was also allotted 23% of the shares. Since the functioning of M/s.Smart Training Resources Private Limited is not satisfied, he decided to resign from the company. Hence, he withdrawn from the Directorship of M/s. Smart Training Resources Private Limited and insisted to settle the amount of Rs.3,14,00,000/-. While asking to return that amount, it is alleged that one R.V.Ram threatened the petitioner through his persons by phone. But this allegation is not found true by the police on enquiry and primarily, it is a civil dispute with regard to the agreement. Further, an Arbitration notice has been issued and apart from that, the learned Magistrate observed that the complaints dated 09.01.2020 and 06.10.2020 revealed about the non-payment of agreed amount. Further, with regard to the alleged phone threat, without



Cr.L.R.C.No.620 of 2023

any material, an FIR cannot be registered and case cannot be forwarded for registering a case, since no cognizable offence is *prima facie* made out in the allegation. Therefore, the Trial Court found that there is no *prima facie* case made out for forwarding the compliant under Section 156(3) Cr.P.C., and accordingly, dismissed the petition.

6.I find no infirmity in the order passed by the learned Trial Judge and there is no merit in the present Criminal Revision Case. Accordingly, the Criminal Revision Case is dismissed.

05.04.2023

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
TK



WEB COPY



Crl.R.C.No.620 of 2023

V.SIVAGNANAM, J.

TK

To

- 1.The Chief Metropolitan Magistrate
Egmore, Chennai.
- 2.The Sub-Inspector of Police
EDF-II, Team – III,
Central Crime Branch,
Vepery, Chennai – 600 007.
- 3.The Public Prosecutor
High Court of Madras, Chennai.

CRL.R.C.NO.620 OF 2023

05.04.2023