



Crl.R.C.No.557 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

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Dr.T.Udayakumar

... Petitioner

Vs.

State Represented by

1.Deputy Commissioner of Police,
Adayar, Chennai – 600 020.

2.Assistant Commissioner of Police,
Neelangarai Range,
Neelangarai, Chennai – 41.

3.Inspector of Police,
J-8, Neelangarai Police Station,
Chennai – 41.

4.Sathish Kumar

... Respondents

(R4 impleaded as per order dated 31.07.2023 in Crl.M.P.No.10551/2023
in Crl.R.C.No.557/2023)

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 16.09.2022 in Cr.M.P.No.1977/2022 on the file of the Judicial Magistrate No.II, Alandur, Chennai and direct the third respondent police to investigate the case.



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For Petitioner : Mr.B.A.Chandrasekar
For RR1 to 3 : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenge in this revision is made to the orders dated 16.09.2022 in Cr.M.P.No.1977/2022 on the file of the Judicial Magistrate No.II, Alandur, Chennai.

2. The revision petitioner is the complainant and he filed a private complaint under Section 200 Cr.P.C before the Judicial Magistrate No.II, Alandur, Chennai seeking a direction to the third respondent police to register FIR and to investigate the case under Section 156(3) Cr.P.C. on the complaint preferred by him.

3. The grievance of the revision petitioner/complainant is that though he paid a sum of Rs.49,89,000/- to the fourth respondent for purchase of a flat at Guduvancherry, Chennai, the latter did not execute any sale deed in favour of the revision petitioner and also did not repay the amount of Rs.49,89,000/-. The cheque for a sum of Rs.49,89,000/-



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4. Learned Judicial Magistrate No.II, Alandur, vide her orders dated 16.09.2022, dismissed the petition on the ground that the matter in issue between the parties is purely civil in nature. Aggrieved over the same, the present revision is filed.



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5. Mr.B.A.Chandrasekar, learned counsel for the revision petitioner contended that though the revision petitioner paid around Rs.50,00,000/- to the fourth respondent for purchase of a flat, he did execute the sale deed and did not return the money back to him. The fourth respondent issued a cheque for a sum of Rs.49,89,000/- drawn on ICICI Bank, Anna Nagar Branch, Chennai and subsequently, it was also not honored as he stopped the payment. The present petitioner would therefore contend that the fourth respondent had committed an offence of cheating within the meaning of Section 420 IPC.

6. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) contended that the complaint preferred by the revision petitioner was enquired by the police in C.P.Nos.641/DCA/Camp/2022 & 105/ACP(N)/DCA/Camp/2022 and subsequently, it was closed on the ground that the matter in issue is purely civil in nature.



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7. It is seen from the records that the revision petitioner had approached the third respondent police and subsequently, the learned Judicial Magistrate No.II, Alandur, to get the sale deed registered in his favour in respect of the flat for which he is alleged to have paid a sum of Rs.49,89,000/- or in the alternative to get the money back. Thus, it is clear that the dispute between the parties is purely civil in nature. The revision petitioner can very well file a civil suit for recovery of the amount or file a private complaint under Section 200 Cr.P.C. against the fourth respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, if so advised. No criminal colour can be given to a civil dispute and thus the orders passed by the learned Judicial Magistrate No.II, Alandur, is perfectly in order and I do not see any reason to interfere with the same.



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8.In the result, the Criminal Revision is dismissed.

25.09.2023

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

To

State Represented by

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2.Assistant Commissioner of Police,
Neelangarai Range,
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3.Inspector of Police,
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4.The Judicial Magistrate No.II, Alandur, Chennai.



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mtl

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