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Crl.R.C.No.2039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2039 of 2023

Sivakumar Nair

... Petitioner

Vs.

The State by

The Inspector of Police (Crime)

F-3 Nungambakkam Police Station,

Chennai – 600 003.

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 r/w. 401 of Cr.P.C, prayed to set aside the dismissal order passed in Crl.M.P.No.29755 of 2022 dated 15.10.2022 on the file of XIV Metropolitan Magistrate Egmore, Chennai.

For Petitioner : Mr.M.Sarfudeen Ali Ahamed

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER



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The petitioner had filed a petition under section 156(3) of Cr.P.C before the lower court in CMP.No.29755 of 2022. The lower court by order dated 15.10.2022 had dismissed the petition, against which the present revision.

2. The case of the petitioner is that the petitioner is running a weekly in the name and style of Silver Touch India and his school days friend Malik along with his friend had approached the petitioner and informed the petitioner that a car bearing registration No.KL10X2993 is available for sale and the rate was fixed at Rs.1,50,000/-. Since the said Malik and his friends said that they need money immediately, the petitioner through his bank account had transferred Rs.95,000/- to the said Malik account of Canara Bank and thereafter, the said Malik had left the vehicle with the petitioner and within few days, the petitioner found that the vehicle had some mechanical defects. Thereafter, the petitioner called Malik who informed the petitioner to carry out the repair works and also sent Rs.10,000/- for insurance, since it



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was getting expired. The petitioner also sent Rs.10,000/- through GPay and

incurred an expenditure of Rs.18,750/- for rectifying the mechanical defects.

In total, the petitioner had spent a sum of Rs.1,23,000/- for the car.

Thereafter, the said Malik along with his friend Harikrishnan had come there and taken the vehicle for getting the fitness certificate for the vehicle.

Thereafter, they failed to return of vehicle. Whenever the petitioner called Malik and asked about the car, he was abused and threatened. Thereafter, the petitioner lodged a complaint before the respondent police on 27.07.2021.

Since no action was taken, the petitioner lodged a complaint to the Deputy Commissioner of police on 09.11.2021 and thereafter on 26.02.2022 and 28.02.2022. Since no action was taken, he has filed a petition for the offence under section 417 and 420 Cr.P.C. before the trial court. The trial court on analysing of the evidence found no prima facie in the complaint to refer the case to the police under section 156(3) of Cr.P.c. Against which the present revision.



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3. Considering the submissions and perusal of the materials, it is seen from the submission and narration that the petitioner claimed that he had been deceived by the misappropriation of his friend Malik. The documents of the car all stand in the name of the said Malik. The petitioner's expenditure towards car and payment to the Malik can be interpreted either way. It is for the petitioner, along with the available documents handed over by Malik, to file a private complaint if he desires so.

4. With the above observation, this Criminal Revision Case is dismissed.

30.11.2023

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order



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To

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- 1.The Inspector of Police (Crime)
F-3 Nungambakkam Police Station,
Chennai – 600 003.
- 2.The XIV Metropolitan Magistrate Egmore, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR,J.

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