



WEB COPY

Crl.RC.No.1195 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

**Criminal Revision Case No.1195 of 2020**

Manikandan

...Petitioner

Vs.

1. The Commissioner of Police,  
Veppery, Chennai-600007.

2.The Inspector of Police (Crime)  
J1 Saidapet Police Station,  
Saidapet, Chennai-600015.

... Respondents

**Prayer:** Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, praying to set aside the docket order of rejection passed in Crl.MP.No. .... of 2020, dated 28.09.2020 on the file of IX Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr. K.Suthan

For Respondents : Mr. R. Murthi, GA (Crl.Side)

**ORDER**

Challenging the docket order of rejection passed in unnumbered Crl.Miscellaneous Petition, dated 28.09.2020 on the file of IX Metropolitan Magistrate Court, Saidapet, Chennai, the present revision has been filed.



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2. Brief facts of the case is that the petitioner herein is the defacto complainant who filed a complaint before the 2<sup>nd</sup> respondent Police to register a case against one Amutha alleging that the said Amutha had cheated to repay the advance amount of Rs.1,50,000/- paid by the petitioner. Since the 2<sup>nd</sup> respondent police did not take action on the said complaint, the petitioner has filed a petition before the trial Court under Section 156(iii) of CrPc seeking directions to the 2<sup>nd</sup> respondent police to register a case and investigate into the matter. The trial Court returned the said petition as not maintainable on the ground that the dispute is in civil nature and directed the petitioner to file a civil suit. Aggrieved by the same, the present revision is filed.

3. Heard both sides and perused the documents available on record.

4. Strictly speaking, no revision is maintainable against the order passed in the interim application by the trial Court. Further, a perusal of documents clearly reveal that the said Amutha against whom the petitioner preferred a complaint before the 2<sup>nd</sup> respondent police had given a receipt affixed with Revenue stamp for Rs.1,50,000/-. Therefore, it is purely a civil dispute between the parties and the petitioner is trying to give a colour of criminal proceedings. The trial Court has



rightly returned the unnumbered petition filed by the petitioner under Section 156(iii) CrPC. This Court finds no perversity in the docket order dated 28.09.2020 passed by the trial Court and the present criminal revision petition is liable to be dismissed.

5. In the result, the criminal revision petition is dismissed. Liberty is granted to the petitioner to work out his remedy in the manner known to law.

**04.01.2023**

Index : Yes/No  
Internet : Yes  
ak

To

1. The Commissioner of Police,  
Veppery, Chennai-600007.
2. The Inspector of Police (Crime)  
J1 Saidapet Police Station,  
Saidapet, Chennai-600015.



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**P.VELMURUGAN,J.**  
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