



Crl.R.C.No.1279 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1279 of 2023

K.Selvi

... Petitioner

Vs.

The State Represented by
Inspector of Police,
D-3 Ice House Police Station,
Chennai -600005.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.21340 of 2023 on the file of the II Metropolitan Magistrate, Egmore, Chennai, dated 12.06.2023.

For Petitioner	:	Mr.K.Balaji
For Respondent	:	Mr.A.Damodaran, Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the impugned order, dated 12.06.2023 in Crl.M.P.No.21340 of 2023 passed by the learned II Metropolitan Magistrate, Egmore, Chennai.



2.The petitioner filed a petition under Section 156(3) Cr.P.C., in Crl.M.P.No.21340 of 2023 before the learned II Metropolitan Magistrate, Egmore, Chennai to direct the respondent Police to register a case based on the complaint, dated 31.05.2023. The learned Magistrate finding that the petitioner lacks bonafide and no *prima facie* case made out to forward the complaint, dismissed the petition, against which, the present Criminal Revision Case.

3.The contention of the petitioner is that the petitioner borrowed only Rs.24 lakhs from one Selvakumar and she also repaid the same through the bank. But this Rs.24 lakhs were given piecemeal through bank transfer and the petitioner returned the loan amount through the bank, for which, there are two proofs, but the same was not produced before the lower Court. The specific case of the petitioner is that one Selvakumar is doing money lending business, at the time of giving loan, he took some cheques of the petitioner, her husband and her mother-in-law, property document of petitioner's mother-in-law at Arakonam and property document of her father-in-law at Kancheepuram. After repayment of the loan, the petitioner



asked for return of the cheques and documents. The said Selvakumar along with muscle men came to the petitioner's house, threatened her and also her mother-in-law and others. The petitioner lodged the complaint to the jurisdictional Police and also to the Assistant Commissioner of Police and Deputy Commissioner of Police, but no action taken. Finally, the petitioner sent the complaint to the Commissioner of Police. Though it was forwarded to the jurisdictional Police, no proper enquiry conducted thereafter. The lower Court has also not come to rescue the petitioner, hence, the petitioner having no other option this Court.

4.The Additional Public Prosecutor appearing for the respondent Police produced the enquiry report showing the petitioner's complaint was entertained by the Deputy Commissioner of Police in R.C.No.500 of 2022 and the same forwarded to the Assistant Commissioner of Police in R.C.No.267 of 2022, thereafter both the petitioner and the counter petitioner Selvakumar called for enquiry and both gave explanation. The petitioner's stand is that the petitioner took loan of Rs.24 lakhs from Selvakumar, repaid the same. Despite having proof for repayment, she failed to produce the



same during enquiry. The said Selvakumar's stand is that he gave loan of Rs.45 lakhs to the petitioner of which Rs.22 lakhs repaid and balance of Rs.23 lakhs is yet to be paid by the petitioner. He admitted that he is in possession of the cheques as well as documents of the petitioner and her family members. As and when, the balance due of Rs.23 lakhs is settled, he would hand back the cheques and documents to the petitioner. He further submitted that both of the petitioner and Selvakumar agreed that they shall seek remedy before the Court by giving an undertaking. Recording the same, the enquiry was closed.

5.Considering the submissions and on perusal of the materials, it is seen that the petitioner and Selvakumar having money transaction is not in dispute. It is only quantum of loan received and the repayment. According to the petitioner, she received Rs.24 lakhs on several occasions through bank and she also repaid the same through bank. On the other hand, the counter petitioner Selvakumar's contention is that he gave Rs.45 lakhs, thereafter, received Rs.22 lakhs from the petitioner and the balance amount of Rs.23 lakhs is yet to be paid. The said Selvakumar admitted about



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having the cheques of the petitioner, her husband and mother-in-law and also documents of the petitioner's family. As and when the loan is repaid, he shall hand back the cheques and documents to the petitioner.

6.On perusal of the materials, it is seen that there is money transaction between the petitioner and Selvakumar in which certain documents have been secured. Now repayment and quantum are in dispute and the transaction is for quite sometime. In view of the same, this Court finds no reason to interfere with the impugned order of the Court below as well as the enquiry conducted by the respondent Police.

7.In the result, this Criminal Revision Case stands dismissed confirming the impugned order, dated 12.06.2023. Of course, liberty is granted to the petitioner if so advised to file a private complaint against the concerned Court.

24.11.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.The II Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
D-3 Ice House Police Station,
Chennai -600005.
- 3.The Public Prosecutor,
High Court, Madras.

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