



Crl.R.C.No.2094 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2094 of 2023

Geetha

... Petitioner

Vs.

Devika

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the order dated 13.03.2023 made in Crl.M.P.No.5481 of 2022 in C.C.No.210 of 2018 pending on the file of the Judicial Magistrate No.I, Mettur.

For Petitioner : Mr.R.Thirumoorthy

ORDER

This Criminal Revision Petition is filed to set aside the order dated 13.03.2023 made in C.M.P.No.5481 of 2022 in C.C.No.210 of 2018 pending on the file of the Judicial Magistrate No.I, Mettur.



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2.The petitioner as complainant filed a private complaint against the respondent in C.C.No.210 of 2018. Later the petitioner filed a petition under Section 216 of Cr.P.C. to alter the charges against the respondent from Section 138 of Negotiable Instruments Act to Section 420 of IPC. According to the petitioner, the case projected by the petitioner right from the initial stage when statutory notice was issued, filing of complaint and in chief examination is that the respondent received the amount on promise which turned to be a false promise and later, he had not discharged the liability and honoured the cheque, hence proceeded with the trial.

3.The learned counsel for the petitioner fairly submitted that earlier the petitioner lodged a complaint against the respondent for the offence under Sections 420 and 506(ii) IPC on 17.07.2018 before the District Crime Branch, Salem. Though FIR was registered, the complaint could not be further investigated for the reason that the cheque confirming the payment promised by the respondent could not be produced since case under Section 138 of NI Act was already initiated and for that reason, complaint was



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closed. He further submitted that case filed under Section 138 of NI Act in

C.C.No.210 of 2018 is posted for judgment.

4.Considering the submissions made and in view of the fact that the Lower Court finding that Sections need no alterations dismissing the petition filed by the petitioner, this Court is not inclined to interfere with the order of the Lower Court. Accordingly, this Criminal Revision Petition is dismissed giving liberty to the petitioner to file a private complaint for offence under Section 420 IPC. Neither the closure of FIR in Crime No.12 of 2018 will come in the way nor C.C.No.210 of 2018 in the event of the petitioner proceeding against the respondent for the offence under Section 420 IPC and any other offence. The private complaint to be considered and disposed of on its own merits.

11.12.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

cse

To

The Judicial Magistrate No.I,
Mettur.

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