



Crl.R.C.No.1327 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

Crl.R.C.No.1327 of 2023

S.Mohamed Sirajudeen

... Petitioner

Vs.

The Inspector of Police,
D-2, Anna Salai Police Station,
Anna Salai, Royapettah,
Chennai - 600 002.

... Respondent

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order of the lower Court passed in Crl.M.P.No.4362 of 2023, dated 24.03.2023 on the file of the II Metropolitan Magistrate, Egmore, Chennai and direct the respondent to register the FIR complaint dated 12.12.2022.

For Petitioner : Mr.L.Infant Dinesh

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl. side)

ORDER

Based on the two unregistered Agreement, dated 03.11.2021 and 22.11.2021, between the present petitioner/complainant and K.Johnson, the complainant lodged a complaint on 13.01.2023 with the



CrI.R.C.No.1327 of 2023

WEB COPY

respondent Police / Inspector of Police, D2, Anna Salai Police Station, Royapettah, Chennai contending that though the said Johnson received a sum of Rs.28,47,007/-, did not take any action pursuant to the above unregistered agreement. Thereafter the present complainant filed a private complaint under Section 200 of Cr.P.C., in CM.P.No.4362 of 2023 before the II Metropolitan Magistrate, Egmore, Chennai -8 seeking for a direction to the respondent Police to register FIR and investigate the case under Section 156 (3) of Cr.P.C. The said complaint was dismissed by the II Metropolitan Magistrate, Egmore, Chennai - 8, vide his orders dated 24.03.2023. Aggrieved over the same, the present revision is filed by the complainant.

2. Mr.L.Infant Dinesh, learned counsel for the petitioner contended that though the present petitioner/complainant has given a sum of Rs.28,47,007/- to Johnson, he did not commence the shooting of the film 'Medical Miracle'. Thus the accused cheated the complainant as per the agreement made between them.



Crl.R.C.No.1327 of 2023

WEB COPY

3. Mr.R.Vinothraja, learned Government Advocate (Crl. side) appearing for the respondent contended that on receiving the complaint from the complainant on 13.01.2023, the respondent Police conducted an enquiry and closed the same on the ground that the transaction between the parties is civil in nature. This conclusion of the Police is perfectly in order and the Judicial Magistrate has also dismissed the complaint under Section 156 (3) of Cr.P.C.

4. In fact, the trial Judge vide his order dated 24.03.2023 had observed that the present revision petitioner is trying to give a criminal colour to a civil transaction. If the petitioner is aggrieved, he can always approach the Civil Court to file appropriate civil suit, if he is so advised. The Criminal Revision is dismissed as devoid of merits.

31.07.2023

Index: Yes/No
Speaking/Non-Speaking order
vum



WEB COPY



Crl.R.C.No.1327 of 2023

R. HEMALATHA, J.

vum

To

1. The Inspector of Police,
D-2, Anna Salai Police Station,
Anna Salai, Royapettah,
Chennai - 600 002.
2. The II Metropolitan Magistrate, Egmore,
Chennai
3. The Section Officer,
Criminal Section,
High Court, Madras.

Crl.R.C.No.1327 of 2023

31.07.2023