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Crl.R.C.No.212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

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

Crl.R.C.No.212 of 2023

S.Karthikeyan

... Petitioner

Vs.

1. The State Rep. by
the Inspector of Police,
N1 - Royapuram Police Station,
(Crime) Chennai.

2. Thatchayani

3. Jayachandran
(R2 and R3 impleaded as per the order
dated 19.06.2023 in Crl.M.P.No.8333
of 2023 in Crl.R.C.No.212 of 2023)

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code, against the order passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.9269 of 2022 dated 23.08.2022.

For Petitioner : Mr.K.Balu

For 1st Respondent: Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

Challenging the orders, dated 23.08.2022 passed in Crl.M.P.No.9269 of 2022 by the learned XVI Metropolitan Magistrate, George Town, Chennai, the present Criminal Revision is filed.

2. The revision petitioner filed a complaint in Crl.M.P.No.9269 of 2022 under Section 156 (3) of Cr.P.C., seeking direction to the Inspector of Police, N1 - Royapuram Police Station (Crime) Chennai to register FIR on the complaint preferred by the present petitioner and to investigate the case. The learned XVI Metropolitan Magistrate, dismissed the said petition on 23.08.2022, by observing thus:

“Heard. Records perused. Doc.No.1 is the 4.12.2021 dated complaint copy. Doc.No.2 is the copy of the C.S.R. issued by the respondent Police. Doc.No.3 is the complaint copy given to D.C. of police. Doc.No.4 is the copy of credit card statements. Doc.No.5 is the copy of screen shot conversation. On the careful perusal of the aforesaid documents, it reveals that there was money transaction took place between the petitioner and his opponent. Out of that money transaction a considerable amount of out standing amount has to be paid by the opposite party. Considering the



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said facts there is no prima facie made out to seek direction, to register an FIR from the contents of complaint it reveals that it is pure money transaction and of civil nature. Therefore the complaint is dismissed in the interest of justice.”

3. It is seen from the copy of the complaint that there was a money transaction between the present petitioner and the 3rd respondent viz., Jayachandran. Since the petitioner is not able to recover money from him, he has approached the trial Court seeking direction to the respondent Police to register an FIR. This Court is of the view that if the present petitioner is unable to recover money from the said Jayachandran, he has to approach the Civil Court, if he is so advised. Therefore, the order passed by the trial Court is perfectly in order and I do not see any reason to interfere with the orders of the trial Court. Accordingly the Criminal Revision is dismissed.

10.08.2023

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

R. HEMALATHA, J.



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vum

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To

- 1.The XVI Metropolitan Magistrate,
George Town, Chennai
- 2.The Inspector of Police,
N1 - Royapuram Police Station,
(Crime) Chennai.

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10.08.2023