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Crl.R.C.No.1520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1520 of 2023

S.Gopinath

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
CCB, Chit and Kanthu Vatti Wing,
Team – 32, Veppery,
Chennai – 600 007.

2.Ravi @ Ravi Sundaram

... Respondents

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.38127 of 2022 dated 15.03.2023 on the file of the Metropolitan Magistrate, Exclusively for Trial of CCB Cases [Cheating] and CBCID [Metro Cases], Egmore, Chennai-8.

For Petitioner : Mr.V.Elangovan

For R1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner lodged a complaint under Section 156(3) Cr.P.C. before the Lower Court and sought for direction to forward the complaint. The Lower Court took the complaint in Crl.M.P.No.38127 of 2022 and dismissed the same by order dated 15.03.2023. Against which, the present revision is filed.

2.The contention of the learned counsel for the petitioner is that the petitioner is a Chartered Accountant, his mother was affected with Cancer in the year 1992 and his father suffered with Brain stroke from the year 2005, who later passed away in the hospital. To meet the medical expenditure of his father and mother, the petitioner borrowed a loan from one Mr.A.S.Ravi @ Ravi Sundaram and agreed to pay 4% interest. During the availment of loan, the petitioner handed over signed undated cheque and promissory notes to the said A.S.Ravi @ Ravi Sundaram. According to the petitioner, he repaid the principal and interest by pledging the jewels and also by borrowing from others since the said A.S.Ravi @ Ravi Sundaram demanded



unreasonable interest which is nothing but speed interest, kanduvatti which is prohibited. The petitioner lodged a complaint before the Commissioner of Police on 03.03.2022 giving all the details. The respondent police though issued a notice to the petitioner for his appearance on 11.03.2022 and the petitioner appeared with supporting documents, but on the contrary by a report dated 12.04.2022 the respondent police informed that no action can be taken against the said A.S.Ravi @ Ravi Sundaram. Having no other option, the petitioner filed a petition before the Lower Court under Section 156(3) Cr.P.C. The respondent police filed a counter before the Lower Court stating that from 08.01.2010 to 10.04.2018 the petitioner received a sum of Rs.52,50,000/- as loan and though the petitioner had stated that he paid Rs.1,55,69,000/- through cash and Rs.55,84,000/- to the bank account, the same has not been substantiated by any materials. He would submit that the Lower Court without going into the factual details and taking into consideration of the counter filed by the respondent police, dismissed the petition which is not proper. Hence, the present petition is filed.



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3.The learned Additional Public Prosecutor filed a status report with regard to enquiry conducted on the petitioner's complaint in C.No.488/DC/CCB/COP-V/2022. He would submit that the petitioner as well as the second respondent were called for enquiry, they were enquired and it was found that the petitioner borrowed money and repaid. He would further submit that for the petitioner's claim of paying through cash, he could not substantiate the same with any materials and hence, after a detailed enquiry the petitioner's complaint was closed.

4.Considering the submissions made and on perusal of the order passed by the Lower Court, it is seen that even before the Lower Court the respondent police filed a detailed counter giving the stages of enquiry and justifying the reason as to why no further action has been taken. Finding that the order passed by the Lower Court to be a detailed one, this Court is not inclined to interfere with the same.

5.Accordingly, the Criminal Revision Petition stands dismissed giving liberty to the petitioner to file a appropriate complaint before the concerned



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Court, if he is so advised. Further, the observations made herein is only for the purpose of disposing this Criminal Revision Petition. The private complaint, if filed, can be entertained on its own merits in accordance with law uninfluenced with the order of this Court.

06.12.2023

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

To

- 1.The Metropolitan Magistrate,
Exclusively for Trial of CCB Cases
[Cheating] and CBCID [Metro Cases],
Egmore, Chennai-8.
- 2.The Inspector of Police,
CCB, Chit and Kanthu Vatti Wing,
Team – 32, Veppery,
Chennai – 600 007.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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