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Crl.R.C.No.1655 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.1655 of 2022

S.Suresh

...
/vs/

Petitioner

1.The Additional Director
General of Police
Intelligence Department,
Mylapore, Chennai – 4.

2.The Inspector of Police
The District Crime Branch
Ranipet District, Ranipet.

...

Respondent

PRAYER : Criminal Revision Case has been filed under Sections 397 & 401 Cr.P.C. to set aside the order dated 22.06.2022 in Cr.M.P.No.572 of 2022 passed by the District Munsif cum Judicial Magistrate, Arcot and direct the 2nd respondent to register FIR.

For Petitioner

... Mr.C.Chokkalingam

For Respondents

... Mr.V.Meganathan
Govt.Advocate (Crl.side)



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ORDER

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2.The learned counsel for the petitioner submitted that the petitioner filed a private complaint before the Judicial Magistrate under Section 156(3) Cr.P.C seeking direction to the respondent police to register a case and investigate the same. The learned Judicial Magistrate dismissed the petition on the ground that the sale deed has been executed in the year 2015 and in this regard, the petitioner has not explained any details for involvement of criminal elements and it is purely a civil dispute.

3.Further the learned counsel for the petitioner contended that the petitioner borrowed a sum of Rs.2,00,000/- from one R.Purushothaman & R.Ravi for his expenses accepting to pay a sum of Rs.6,000/- as interest per month. For that amount, they asked to execute a mortgage. With respect to the same, they prepared a sale agreement instead of a mortgage deed in the name of Ravi, which was registered as document No.981 of 2014 on



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20.03.2014. Subsequently, they deceived the petitioner and prepared a sale deed in the name of Purushothaman, which was registered as document No.271 of 2015 on 04.02.2015. The petitioner did not have any knowledge about the execution of the sale deed. He believed that he executed only mortgage deed. After that, they refused to receive the interest for the loan amount and refused to cancel the sale deed but the property is still in the possession of the petitioner. Since the petitioner was cheated by Purushothaman, he filed the private complaint before the trial Court to register the case and investigate the same, which was dismissed on 22.06.2022. Therefore, he filed the present criminal revision case.

4.Heard the learned Government Advocate (crl.side) for the respondents.

5.I have considered the submission made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) for the respondents and perused the records.



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6. On perusal of the records, the fact reveals that the petitioner initially gave a complaint to the respondent police, on which, the second respondent police issued a summon to appear the petitioner for enquiry on 03.12.2021 alleging that he got a loan for a sum of Rs.2,00,000/- from Purushothaman on 20.03.2014 and agreed to repay the loan amount with interest at the rate of 3% per month. For that amount, he sought mortgage deed and on the contrary, he prepared sale agreement instead of mortgage deed, which was registered as document No.981 of 2014 on 20.03.2014 in the name of Ravi. Subsequently, on 04.12.2015, the sale agreement stands in the name of Ravi was cancelled vide document No.270/2015 and on the same date, they deceived the petitioner and prepared a sale deed instead of mortgage deed in the name of Purushothaman, which was registered as document No.271/2015. This registration of the sale deed obtained by cheating was not acceptable. Since both the documents were registered at the Sub Registrar office on 04.02.2015 and the same was admitted by the petitioner that it was executed by him. Under such circumstances, he lodged a complaint to the Inspector of Police about the fraud played by the creditors on 03.12.2021, subsequently, to the Superintendent of police,



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thereafter filed a private complaint before the Court and there is no justification on the part of the petitioner for filing a complaint for the sale deed executed on 04.02.2015. Therefore, I find no merit in this criminal revision case and no infirmity in the impugned order passed by the trial Court. Accordingly, the criminal revision case is dismissed and the petitioner is so advised to approach the civil Court for appropriate remedy.

Index : Yes/No
Internet : Yes/No
sms

06.01.2023

To

- 1.The District Munsif cum Judicial Magistrate, Arcot.
- 2.The Additional Director
General of Police
Intelligence Department,
Mylapore, Chennai – 4.
- 3.The Inspector of Police
The District Crime Branch
Ranipet District, Ranipet.
- 4.The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM ,J.



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