



Crl.R.C.No.1539 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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

Crl.R.C.No.1539 of 2023

Aravindkumar

... Petitioner

Vs.

The Inspector of Police,
K-3, Ammjikarai Police Station,
Chennai District.

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 02.08.2023 in Crl.M.P.No.16919/2023 on the file of the learned V Metropolitan Magistrate, Egmore.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

Challenge in this criminal revision case is made to the orders dated 02.08.2023 in Crl.M.P.No.16919/2023 on the file of the learned V Metropolitan Magistrate, Egmore.



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2.The revision petitioner filed a private complaint under Section 200 Cr.P.C. against one Padmanabhan before the V Metropolitan Magistrate, Egmore in Crl.M.P.No.16919/2023 seeking to forward his complaint to the Inspector of Police, K-3,Aminjikarai Police Station, Chennai for investigation under Section 156(3) Cr.P.C. The learned V Metropolitan Magistrate, Egmore, dismissed the said petition on the ground that the dispute between the parties is purely civil in nature. Aggrieved over the same, the present revision is filed.

3. The case of the complainant is that he took a car namely Maruthi Suzuki Swift Desire Model 2016 bearing Registration No. TN-10-AW-9886 on lease from one Padmanabhan for a period of one year and paid a sum of Rs.3,00,000/- towards lease and a sum of Rs.15,000/- towards brokerage. According to the complainant, he used to park the car in front of his home and on 25.12.2022, he found the car missing and when he contacted the lessor Padmanabhan, he informed him that the vehicle was actually owned by one Nagarajan and that the said Nagarajan



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had taken the car by using his spare key. Therefore, the revision petitioner lodged a complaint with the Inspector of Police, K-3, Aminjikarai Police Station, Chennai and the same was registered as C.S.R.No.779/2022. Since no action was initiated by the police he filed a private complaint as stated above.

4. Mr.P.Muthamizh Selvakumar, learned counsel for the revision petitioner would contend that Padmanabhan did not inform the revision petitioner about the dispute with regard to the ownership of the car between him and the lessor Nagarajan and thus cheated the revision petitioner by leasing the car.

5. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) would contend that based on the complaint given by the revision petitioner, C.S.R.No.779/2022 of K-3,Aminjikarai Police Station, Chennai was registered and enquiry was conducted. According to him, Nagarajan is the original owner of the car and he had mortgaged the car with Padmanabhan who in turn leased out the same to the revision



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petitioner. His further contention is that there is no criminal intention on the part of the said Nagarajan and the dispute is based on a contract between the parties.

6. The learned V Metropolitan Magistrate, Egmore, Chennai, after considering the rival submissions made by both the parties, had observed thus :

"4.The petitioner further stated that he had lodged a complaint before the respondent dated 26.11.2022 and the same was registered as C.S.R.No.779/2022 but after registering the case none of the investigation was done by the respondent. He had sent a appeal to the higher official but no steps were taken by the respondent.

5.The petitioner therefore, prayed that this Court may be pleased to direct the respondent to register the First Information Report and based on the C.S.R. No.779/2022 dated 26.11.2022 against the accused persons under Section 294(b), 420, 506(i) IPC.

6.On perusal of the petition and records filed



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along with the petition, it is revealed that the petitioner want to take a car under lease for his marriage thereby he had seen the advertisement of one Mr.Padmanabhan in the face book and contacted him and took the vehicle of Maruthi Suzuki Swift Desire Model 2016 bearing Registration No.TN 10 AW 9886 by paying the lease amount of Rs.3,00,000/- and brokerage amount of Rs.15,000/- to him.

7.After leased the car he had used the same without any issues. On 25.12.2022 he has parked the car in front of the home and on the very same day at about 2.30 hrs. the car found missing. He immediately contacted the said Mr.Padmanabhan and informed him and questioned about the same he told that the owner of the vehicle one Mr.Nagarajan has took the car by used the spare key and he had given alternative car for use.

8.Mr.Padmanabhan didn't returned the lease amount after expiry of the lease period. The petitioner made several request to the said Padmanabhan and he assured him to return the money hence, the petitioner has handed over the leased car to him."



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7.The only grievance of the revision petitioner is that the proposed accused Padmanabhan did not return the lease amount after the expiry of the lease period, though the revision petitioner requested him to repay on several occasions. In such circumstances, the revision petitioner can very well approach a civil court for getting back his money from Padmanabhan, if so advised, and no criminal colour can be given to a civil dispute. The orders passed by the learned V Metropolitan Magistrate, Egmore, Chennai, is perfectly in order and I do not see any reason to interfere with the same.

8.Accordingly, the Criminal Revision is dismissed. The orders dated 02.08.2023 in Crl.M.P.No.16919/2023 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, is confirmed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

1.The Inspector of Police,
K-3, Ammjikarai Police Station,
Chennai District.

2.The V Metropolitan Magistrate, Egmore.



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R. HEMALATHA, J.
mtl

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