



Crl.R.C.No.1563 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

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G.Joseph John

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Attayampatty Police Station,
Salem District.

2.V.P.Senthil Kumar

... Respondents

Prayer : Criminal Revision filed under Sections 397 & 401 of Criminal Procedure Code to set aside the orders dated 16.06.2023 in C.M.P.No.4717/2022 on the file of the Judicial Magistrate No.IV, Salem and direct the first respondent police to investigate the case.

For Petitioner : Ms.M.Benazir Begum

For R1 : Mr.S.Sugendran,
Additional Public Prosecutor



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ORDER

Challenge in this revision is made to the orders dated 16.06.2023 in C.M.P.No.4717/2022 by the learned Judicial Magistrate No.IV, Salem.

2.The revision petitioner is the complainant and he filed a private complaint u/s.200 Cr.P.C before the Judicial Magistrate No.IV, Salem seeking a direction to the first respondent police to register FIR and to investigate the case on the basis of the complaint preferred by him u/s.156(3) Cr.P.C.

3.The case of the revision petitioner/complainant is that he is the proprietor of M/s.Alpha Industries and is doing business of manufacturing poultry feed. The second respondent is the proprietor of M/s.Lingam Traders and he used to purchase poultry feed from the complainant since 2017 and in the course of business transaction a sum of Rs.20,08,358/- was due and payable by the second respondent. According to the revision petitioner/complainant, though he requested



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the second respondent to pay the amount due to him, he did not come forward to make good the payment and he therefore, lodged a complaint with the first respondent police. Since the police did not take any action he filed a private complaint under Section 200 Cr.P.C. before the learned Judicial Magistrate No.IV, Salem as stated above.

4. The learned Judicial Magistrate No.IV, Salem, dismissed the private complaint filed by the revision petitioner under Section 203 Cr.P.C. on the ground that the matter in issue between the revision petitioner and the second respondent is purely civil in nature and therefore, fastening a criminal case against the second respondent is not warranted. Aggrieved over the same, the present revision is filed.

5.Ms.M.Benazir Begum, learned counsel for the revision petitioner contended that though it has been specifically contended in the complaint that the second respondent had misappropriated the funds and also committed breach of trust the learned Judicial Magistrate No.IV, Salem had dismissed the complaint merely on the ground that the dispute



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is civil in nature. He therefore, prayed for forwarding the complaint to the first respondent police to register FIR, on the basis of the complaint preferred by him, under Section 156(3) Cr.P.C.

6.A perusal of the complaint shows that the second respondent has been purchasing poultry feed from the year 2017 and according to the complainant, there was an over due of Rs.20,08,358/-. He had further averred that the second respondent had made unlawful enrichment by not paying the amount and the complainant had sustained huge loss in his business.

7.It is incomprehensible as to why the revision petitioner/complainant did not file a civil suit to recover the amount from the second respondent. He did not also seem to have issued any notice to the second respondent in this regard. On the contrary, he had approached the first respondent police and lodged a complaint against the second respondent. As rightly observed by the Trial Court Judge, the dispute between the revision petitioner and the second respondent is with regard



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to the repayment of Rs.20,08,358/- by the second respondent to the revision petitioner for purchase of poultry feed by the former from the latter. In such circumstances, the revision petitioner can very well approach a civil court for getting back his money from the second respondent, if so advised, and no criminal colour can be given to a civil dispute. The orders passed by the learned Judicial Magistrate No.IV, Salem, 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 16.06.2023 in C.M.P.No.4717/2022 on the file of the Judicial Magistrate No.IV, Salem, is confirmed.

25.09.2023

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



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To

- 1.State rep. by
The Inspector of Police,
Attayampatty Police Station,
Salem District.
- 2.The Judicial Magistrate No.IV, Salem.



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R. HEMALATHA, J.
mtl

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