



Crl.R.C. No. 1610 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.09.2023

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

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M/s. VGN Projects Estates Pvt. Ltd.,
Rep. by authorised Signatory Mr. Rangappan,
Deputy General Manager,
No.153, Wallace Garden 2nd Street,
Nungambakkam, Chennai 600 006.

...Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tambaram Police Station,
Chennai, (CSR No.632 of 2020)

...Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401
Cr.P.C. against the order dated 01.08.2023 in Crl.M.P. No.993 of 2023 ,
on the file of the Judicial Magistrate-I, Tambaram.

For Petitioner : Mr.V.S.Senthil Kumar
For Respondent : Mr. R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

Challenge in this Criminal Revision is made to the orders dated 01.08.2023 passed in Crl.M.P. No.993 of 2023, by the learned Judicial Magistrate-I, Tambaram.

2. The revision petitioner is the complainant and he filed a private complaint under Section 200 Cr.P.C. before the Judicial Magistrate-I, Tambaram, praying to direct the respondent police to register an FIR and to investigate the case under Section 156(3) Cr.P.C.

3. The case of the complainant in a nutshell is as follows:

3.1. The complainant is doing a real estate business. He purchased a vast extent of land in Tambaram. He developed the same into several housing plots and the name of the project is "Mayfield Park". One Arun Kumar (accused) approached the complainant for purchase of a plot and a plot bearing No.262 was allotted to him and a sale deed was



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registered in favour of the accused in Document No.2983 of 2019 on the file of the Sub-Registrar, Tambaram, for a total sale consideration of Rs.44,10,000/-, out of which he paid a sum of Rs.14,26,265/- and the remaining sum of Rs.27,19,135/- was paid after taking home loan from a bank.

3.2. Since there was a discrepancy in the measurement of the plot, the accused wanted to cancel the sale deed. The complainant thereafter paid the full amount of Rs.44,10,000/- to the said Arun Kumar (accused) and the accused also gave a consent to cancel the sale deed executed in his favour. However, he did not keep up his promise and demanded the complainant to pay an additional sum of Rs.21,00,000/- and also preferred a complaint before the Consumer Forum, Chennai (north) in C.C. No.77 of 2021 and the same is pending. According to the complainant, the accused Arun Kumar, even after receiving the sale consideration paid by him, did not come forward to cancel the sale deed and the complaint preferred by him to the respondent police also went in vain. He therefore filed a private complaint under Section 200 Cr.P.C.



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before the Judicial Magistrate Court No.1, Tambaram. The learned Judicial Magistrate No.I, Tambaram, dismissed the said complaint by observing that the matter in dispute between the complainant and the accused Arun Kumar is purely civil in nature. Aggrieved over the said orders, the present Criminal Revision is filed.

4. Mr.V.S.Senthil Kumar, learned counsel for the petitioner contented that the complainant had actually issued a notice dated 18.11.2020 to the accused Arun Kumar requesting the latter to return the original registered documents pertaining to the plot bearing No.262 purchased by him and to execute a cancellation deed before the concerned Sub Registrar Office. His further contention is that the complainant had even promised to bear the cancellation charges of 11% which comes around Rs.5,50,000/-. The accused received the said notice and endorsed that he is giving his consent to cancel the sale deed executed in his favour in respect of Plot No.262. According to the learned counsel for the petitioner though the accused had given his consent by writing to execute a cancellation deed, he did not keep up his



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promise even after receipt of entire sale consideration and thus he had committed misappropriation of funds of the complainant. His further contention is that originally the very same complainant filed a complaint under Section 156(3) Cr.P.C. before the concerned Judicial Magistrate and the same was dismissed on the ground that the copy of the complaint was not filed along with the said petition. Challenging the said orders, the complainant filed a revision before this Court in Crl.R.C. No.505/2023. Though the said Criminal Revision was dismissed, liberty was given to the complainant to file a private complaint.

5. Mr.R.Vinothraja, learned Government Advocate appearing for the respondent police contended that the complaint given by the present revision petitioner was registered under CSR No. 632/2020 and after conducting enquiry, it was closed by the Inspector of Police, Tambaram Police Station, on the ground that it is purely civil in nature.

6. A perusal of the complaint shows that the revision petitioner



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had repaid a sum of Rs.44,10,000/- to the accused Arun Kumar for getting cancellation of the sale deed and according to the complainant the accused Arun Kumar though agreed to execute a cancellation of sale deed, did not keep up his promise. The specific contention of the complainant is that the accused Arun Kumar demanded a further sum of Rs.21,00,000/- from the complaint for which no evidence is adduced by the complainant. The accused infact had sought for cancellation of the sale deed as there was a discrepancy in the measurement of the plot No.262 allotted to him. If the complainant wants to get the sale deed cancelled or get the money back paid by him, he should file a civil suit and he cannot file a criminal complaint. The observation made by the learned Judicial Magistrate that the matter in dispute between the complainant and the accused is purely civil in nature is perfectly in order and I do not see any reason to interfere with the same.



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7. In the result,

- i. the Criminal Revision Case is dismissed.
- ii. the orders dated 01.08.2023 passed in Crl.M.P. No.993 of 2023, by the learned Judicial Magistrate-I, Tambaram, is confirmed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
bga

To

The Judicial Magistrate-I, Tambaram.

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