



Crl.R.C.No.17 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

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M.Sivaiah

... Petitioner

Vs.

The Inspector of Police,
E5, Foreshore Police Station,
Chennai.

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the records in Crl.M.P.No.16338 of 2022 in C.S.R.No.297 of 2022 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai and set aside the Order in Crl.M.P.No.16338 of 2022 dated 06.12.2022 and to investigate the matter under Section 156(3) of Cr.P.C., dismissing the petition preferred by the petitioner.

For Petitioner

: Mr.A.Saravanan

For Respondent

: Mr.V.Meganathan
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case is filed challenging the order passed by the XXIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.16338 of 2022 dated 06.12.2022.

2. The sum and substance of the complaint against the respondent is that there was an agreement between the complainant and the accused. The complainant was appointed as a distributor for supply of Voltas Air Conditioners for the territory of Chennai City. During the course of business transaction, the complainant issued a cheque dated 29.03.2016 bearing No.000429 drawn on Andhra Bank, R.A.Puram Branch, Chennai to the accused. After receipt of the cheque, the complainant was informed through the representative of the accused that the above mentioned cheque was misplaced. Hence, the complainant intimated to his banker for stop payment. For which, the accused had issued notice to the petitioner/complainant. Hence the complaint under Section 156(3) Cr.P.C., filed by the petitioner.

3. The learned counsel for the petitioner/complainant submitted that



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during the business transaction, the complainant issued a cheque dated 19.03.2016 bearing No.000429 drawn on Andhra Bank, R.A.Puram branch, Chennai to the accused. The same was counter signed and received by the accused. After that the accused intimated the complainant that the said cheque was misplaced. Based on that information, the petitioner/complainant issued stop payment to the banker. Subsequently, that came to the knowledge on receipt of a statutory notice dated 16.07.2019, the lost cheque in question has been deposited by the accused for an alleged sum of Rs.1,05,01,499/-. The complainant sent suitable reply notice to the accused. Thereafter, the accused person threatened the complainant. Therefore, he gave a complaint to the respondent police. Since the respondent police has not taken any action, a complaint has been filed before the Trial Court. The Trial Court without considering the merits on the sworn statement given by the complainant and the documents filed by him, dismissed the complaint. Hence the same is put in challenge in this revision.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) for the respondent and perused the



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materials on record.

5. On a perusal of the records, the fact reveals that the petitioner filed a private complaint under Section 156(3) of Cr.P.C., before the XXIII Metropolitan Magistrate, Saidapet, Chennai. On perusing the complaint, the learned Magistrate had observed in his order that the complainant alleged that, on 29.03.2016 a cheque bearing No.000429 drawn on Andhra Bank, R.A.Puram branch, Chennai was issued, but failed to indicate the cheque amount that was issued to the accused. Further, even assuming that a blank cheque was issued for the business transaction, the value of the cheque for which it was issued has not been alleged in the complaint. Further, the appointment of distributorship for supply of Voltas Air Conditioners, the agreement and transaction between the parties are not in dispute. In such circumstances, the ingredients required for an offence under Section 420 I.P.C., that is on inception of entering into an agreement and the alleged amount has not been mentioned in the complaint, hence the trial Court has rightly considered that no offence has been made out against the



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respondent and dismissed the petition accordingly.

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6. I find no merit in this Criminal Revision Case and no infirmity in the order passed by the Trial Court. Hence the Criminal Revision Case stands dismissed.

24.01.2023

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To

1.The XXIII Metropolitan Magistrate, Saidapet, Chennai

2.The Inspector of Police,
E5, Foreshore Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai-104.



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V.SIVAGNANAM, J.,

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