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Crl. R.C.(MD)No.125 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.125 of 2023

K.Muthumariappan

.. Petitioner

Vs.

**1.The Proprietor,
M/s.Mahan Tractors, Kambam,
Theni District.**

2.S.Anand

**3.The Inspector of Police,
Thiruthangal Taluk Police Station,
Thiruthangal, Virudhunagar District.**

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the order passed by the Judicial Magistrate Court No.II, Sivakasi in Crl.M.P.No.2995 of 2021.

For Petitioner : Mr.S.Nagarajan,

For Respondents : No Appearance, for R1 and R2.

**: Mr.A.Albert James,
Government Advocate (Criminal Side)
for R3.**



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.2995 of 2021, dated 08.12.2022 on the file of the Judicial Magistrate Court No.II, Sivakasi, dismissing the petition filed under Section 156(3) Cr.P.C.

2. It is evident from the records that the learned Judicial Magistrate, after the receipt of the petition filed under Section 156(3) Cr.P.C, called for a report from the Thiruthangal Police Station and in pursuance of the direction, the Inspector of Police has submitted a report and after the receipt of the report, the learned Magistrate has conducted enquiry under Section 202 Cr.P.C and that since there was no ground for proceeding further, by accepting the report submitted by the Inspector of Police, Thiruthangal Police Station, the complaint was ordered to be dismissed under Section 203 Cr.P.C.

3. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the entire amount was paid to the HDFC Bank.



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4. At this juncture, the learned counsel for the petitioner would submit that liberty may be given to the petitioner to file a private complaint along with the records now available.

5. On considering the entire facts and circumstances of the case and also the report of the Investigating Officer, the impugned order, dismissing the petition under Section 203 Cr.P.C cannot be found fault with. Hence, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed. Accordingly, is dismissed. However, the petitioner is at liberty to file a private complaint before the jurisdictional Court, if so advised.

17.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR,J.

das

To

- 1.The Judicial Magistrate Court No.II,
Sivakasi.
- 2.The Inspector of Police,
Thiruthangal Taluk Police Station,
Thiruthangal, Virudhunagar District.
- 3.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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