



Crl. R.C.(MD)No.216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.03.2023

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.216 of 2023

Dr.Punithakumar

.. Petitioner

Vs.

**State through the Inspector of Police,
CCB, Trichy City.
Crime No.14 of 2019.**

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w 401 of Cr.P.C., to call for the records connected with the order dated 28.10.2022 in Crl.M.P.No.14544 of 2021 in Crime No.14 of 2019 on the file of the learned Judicial Magistrate No.I, Trichy and set aside the same, consequently, direct the respondent to conduct further investigation of the case in Crime No.14 of 2019 on the file of the respondent in accordance with law.

For Petitioner : Mr.R.Alagumani,

**For Respondent : Mr.SS.Madhavan,
Government Advocate (Criminal Side)**



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.14544 of 2021, dated 28.10.2022, on the file of the learned Judicial Magistrate No.I, Trichy, dismissing the protest petition.

2. It is evident from the records that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.14 of 2019 for the offence under Sections 420, 467 and 468 IPC. The respondent Police, after completing the investigation, has filed a final report as 'mistake of fact'. Aggrieved by the final report, the petitioner/defacto complainant has filed a protest petition in Crl.M.P.No.14544 of 2021. The learned Judicial Magistrate, after conducting enquiry, has passed the impugned order, dismissing the protest petition and thereby accepting the final report filed by the respondent Police.

3. The learned Judicial Magistrate, after conducting enquiry, has given a specific finding that the dispute is of civil in nature. The learned Judicial Magistrate has referred the final report of the Investigating Officer and observed that the petitioner, in the protest petition, has not whispered



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anything about the Varthamana letter; that though the petitioner has alleged that he has paid Rs.10,00,000/- to the fourth accused in his house, it came to know that the fourth accused went abroad in 2015 and returned only on 12.12.2018.

4. On considering the facts and circumstances of the case and also the final report filed by the respondent Police, the impugned order, dismissing the protest petition 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 No.I,
Trichy.
- 2.The Inspector of Police,
CCB, Trichy City.
- 3.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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