



CrI.R.C.(MD) No.625 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.625 of 2023

J.Tharani

: Petitioner

Vs.

1.Rajalingam

2.Prema

3.Vijin

: Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order, dated 21.11.2019 passed in CrI.M.P.No.8073 of 2019 on the file of the learned Judicial Magistrate, Sathankulam and to set aside the same and to direct the learned Judicial Magistrate, Sathankulam to take the complaint on file and issue summons to the accused/respondents and to pass such further or other orders.

For Petitioner : Mr.P.Balamurugan

For R1 and R3 : Mr.S.Murugapandi

For R2 : Mr.Shankara Subramanian



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ORDER

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This Criminal Revision Petition is directed against order passed in CrI.M.P.No.8073 of 2019, dated 21.11.2019 on the file of the learned Judicial Magistrate, Sathankulam, dismissing the petition filed under Section 156(3) of Code of Criminal Procedure.

2. The revision petitioner has filed a petition under Section 156(3) Cr.P.C., and the learned Judicial Magistrate, after receiving the petition, has called for a report from the jurisdictional Police. In pursuance of the same, the Inspector of Police, Thattarmadam Police has filed a report. The learned Magistrate, considering the petition filed by the revision petitioner and the report filed by the Police, dismissed the petition on 21.11.2019. Aggrieved by the dismissal order, the petitioner has come forward with the present revision.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. It is seen from the records that the petitioner has originally filed a complaint against the second respondent herein alleging that the amount received by the second respondent was not repaid.



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5. The learned counsel for the petitioner would submit that at the enquiry, the second respondent has given a statement that the amount received by her was handed over to the first respondent; that the first respondent, after receiving the amount, has left her and that she has already filed a maintenance case against the first respondent.

6. The learned counsel for the first respondent would submit that the second respondent is not the wife of the first respondent, but she has initiated maintenance proceedings.

7. The learned Judicial Magistrate, by observing that there existed money transaction dispute between the petitioner and the first respondent; that the first respondent has given undertaking before the Police that he would return the amount within the time stipulated and since he has not repaid the amount, the above complaint came to be lodged and that the dispute is of civil in nature, dismissed the petition filed under Section 156(3) Cr.P.C.



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8. On considering the materials available before this Court, it is clearly evident that there existed money transaction dispute between the petitioner and the respondents and that the petitioner in order to recover the said amount has lodged the above complaint and that thereby she has been attempting to impart criminal color to a civil dispute.

9. Considering the above, the impugned order dismissing the petition cannot be found fault with and hence, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

10. In the result, the Criminal Revision Case is dismissed. The petitioner is at liberty to file a private complaint, if so advised.

22.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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To:-

1.The Judicial Magistrate, Sathankulam.

3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
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