



CRL.RC(MD).No. 857 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 09.08.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.RC(MD).No.857 of 2023

Diwakar : Petitioner/Petitioner

Vs.

State represented by
The Inspector of Police,
Town East Police Station,
Thanjavur. : Respondent/ Respondent

Prayer : This Criminal Revision Case is filed under Section 397 r/w 401 of CrI.P.C, to call for the records and set aside the order dated 07.02.2023 passed by the Judicial Magistrate No.I, Thanjavur, in CrI.M.P.No.212 of 2023.

For Appellant : Mr.T.Lenin Kumar
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (CrI.Side)

JUDGMENT

This Criminal Revision Case has been filed to set aside the order dated 07.02.2023 passed by the Judicial Magistrate No.I, Thanjavur, in CrI.M.P.No.212 of 2023.



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2. The petitioner and the Advocates Mr.Sudhakar & P.S.Prabhakaran @ Prabhu are the friends. In the year 2019, Mr.Sudhakar borrowed a sum of Rs.20,000/- from the petitioner herein by handing over his two wheeler namely, Hero Honda Splendor bearing Reg.No.TN-68-S-8281. Even though, repeated demands were made by the petitioner, the said Mr.Sudhakar has not repaid the said amount. In such circumstances, on 08.10.2023, at 04.00 p.m., the said Mr.Sudhakar along with said P.S.Prabhakaran @ Prabhu and 10 other persons, trespassed into the office of the petitioner and taken his two wheeler key from there by giving criminal intimidation to him and also broken the iPhone of the petitioner. Hence, the petitioner lodged a complaint before the respondent police on 31.10.2022. Since there was no action, he forwarded the complaint to the Superintendent of Police and the Deputy Superintendent of Police at Thanjavur, through post. However, there was no steps. Hence, he filed a petition in Crl.M.P.No.212 of 2023 under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate No.I, Thanjavur, seeking direction to the respondent police to register FIR against the accused for the offences under Sections 147, 148, 448, 294(b), 420, 454, 424, 427, 506(ii) of IPC. That petition was dismissed by the learned Judicial Magistrate by the order



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dated 07.02.2023. Challenging the same, the petitioner filed this Revision before this Court.

3.The learned counsel for the petitioner submitted that the offences, which were made out in the complaint are cognizable offences. Hence, he prayed for setting aside the order passed by the learned Judicial Magistrate dated 07.02.2023.

4. The learned Government Advocate (Crl.Side) appearing for the State submitted that the learned Judicial Magistrate has correctly dismissed the petition filed by the petitioner and it does not call for any interference. Hence, he prayed for dismissal of this petition.

5. This Court considered the rival submission made by both the parties and perused the allegation made in the petition and also the order passed by the learned Judicial Magistrate.

6. The learned Judicial Magistrate after considering the material evidence, came into the conclusion that the petitioner has not complied with the condition under Sections 154(1) and 154(3) of Cr.P.C., and



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dismissed the petition filed by him. The submission of the learned counsel for the petitioner is that the offences made out in the complaint preferred by him are the cognizable offences. This Court perused the complaint made by the petitioner to the Superintendent of Police, Thanjavur. It does not disclose any cognizable offence. Further, it is purely a money transaction and the money sweeping allegation of the petitioner is not constituted any of the IPC offence. Hence, the petitioner has to work out his remedy in the manner known to law.

7. Accordingly, the order passed by the Judicial Magistrate No.I, Thanjavur, in CrI.M.P.No.212 of 2023, dated 07.02.2023, is confirmed and the Criminal Revision Case is dismissed.

09.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.I,
Thanjavur.
- 2.The Inspector of Police,
Town East Police Station,
Thanjavur.
- 3.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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