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Crl.R.C.(MD)No.316 of 2018



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.316 of 2018

S.Prabhakaran

...Petitioner/Petitioner

Vs.

1.S.Rajapandiyan

... 1st Respondent/Accused

2.The Inspector of Police,

District Crime Branch Police Station,

Nagercoil, Kanyakumari.

... 2nd Respondent/2nd Respondent

PRAYER : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed in Crl.M.P.No.2218 of 2016 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari, dated 11.04.2018 and set aside the same as illegal.

For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : Mr.T.K.Gopalan (for R1)

Mr.K.Sanjai Gandhi (for R2)

Government Advocate (Crl.side)



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ORDER

This revision has been filed as against the order passed in Cr.M.P.No.2218 of 2016 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari, dated 11.04.2018, thereby dismissed the complaint filed under Section 156(3) of the Code of Criminal Procedure to register FIR against the first respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. On perusal of the records revealed that the first respondent in respect of the loan agreement had executed a deed for a sum of Rs.7,95,000/- in favour of the petitioner's father as if he admitted his liability and assured to return the amount to the tune of Rs.18,08,856/- to the petitioner. However, he failed to repay the same. Hence, the complaint.



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4. In view of the above, all the allegations are civil in nature and there is a money transaction between the first respondent and the petitioner's father. Therefore, the Court below rightly rejected the complaint filed by the petitioner and this Court finds no illegality or infirmity in the order passed by the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari in Cr.M.P.No.2218 of 2016, dated 11.04.2018. Accordingly, this Criminal Original Petition is dismissed.

11.04.2023

NCC : Yes/No
Index: Yes/No
rmk

To

1.The Judicial Magistrate No.I, Nagercoil, Kanyakumari.

2.The Inspector of Police,
District Crime Branch Police Station,
Nagercoil, Kanyakumari.

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

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN , J.,

rmk

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