



Crl.R.C.(MD).No.993 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC.(MD).No.993 of 2023

T.Irudhaya Sebastinraj

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the Docket order dated 17.07.2023 passed in Crl.M.P.No.1154 of 2023 on the file of the District Munsif Cum Judicial Magistrate, Orathanadu, Thanjavur District.

For Petitioner : Mr.P.Edin Brough

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case has been filed against the Docket order dated 17.07.2023 passed in CrI.M.P.No.1154 of 2023 on the file of the District Munsif Cum Judicial Magistrate, Orathanadu, Thanjavur District.

2. According to the petitioner, he is a contractor. He entered into the contract work with the proposed accused party to build a house. After completion of the house, the proposed party refused to pay the agreed amount. Hence, the petitioner herein filed a private complaint to initiate the criminal proceedings against the proposed accused. The same was not considered. Thereafter, the petitioner filed a petition before the learned District Munsif Cum Judicial Magistrate, Orathanadu, Thanjavur. The trial Court directed the respondent police to conduct enquiry under Section 156(3) Cr.P.C. As per the direction of the Court below, the respondent police conducted enquiry and closed the same with a finding that the entire transaction is civil in nature and there is no criminality in the complaint. The said report is accepted by the Court below.



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3. On perusal of the complaint, the proposed accused committed default to repay the agreed amount, in that event, the petitioner is permitted to file an appropriate civil suit before the appropriate Court. Therefore, this Court does not find any merit to issue a direction to the learned District Munsif Cum Judicial Magistrate, to entertain the complaint of the petitioner and to proceed further in accordance with law.

4. Accordingly, this Criminal Revision Case is dismissed.

05.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
sbn

To

The District Munsif Cum Judicial Magistrate,
Orathanadu, Thanjavur District



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K.K.RAMAKRISHNAN, J.

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