



Crl.R.C.(MD).No.1000 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.1000 of 2023

K.Balakrishnan

... Revision Petitioner/Petitioner

Vs.

1.Ramaiahpandian

... Proposed Accused/Proposed Accused

2.State thorough Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti,
Tuticorin District.

... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Cr.M.P.No.9641 of 2023 dated 04.08.2023, on the file of the Learned Judicial Magistrate No.II, Kovilpatti, Tuticorin, Tuticorin District and set-aside the same.

For Petitioner : Mr.KA.Raama Krishnan

For R2 : Mr.R.Sivakumar,
Government Advocate(Crl.Side)

ORDER

This petition has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Kovilpatti, Tuticorin, Tuticorin District in Cr.M.P.No. 9641 of 2023 dated 04.08.2023.



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2.The petitioner and the Venkatachalapathi are the partners. The said Vankatajalapathi said to have borrowed a sum of Rs.8,00,000/- from the petitioner. The same was not repaid. Hence, panchayat was conducted under the head of one Ramaiah Pandian. In the panchayat, the said Venkatachalapathi undertakes to settle the amount within 3 months. As per his undertaking, he handed over the amount of Rs.6,00,000/- to the said Ramaiah Pandian. But, the Ramaiah Pandian failed to hand over the same to the petitioner. But, he handed over only Rs.1,00,000/- to the petitioner. Hence, the petitioner lodged a complaint before the respondent police. Since there was no action, he sent a complaint to the Superintendent of Police, Thoothukudi. Again, there was no action, he made a complaint before the learned Judicial Magistrate, Kovilpatti, under Section 156(3) of Cr.P.C., Subsequently, the respondent police conducted investigation. During the course of enquiry, the accused given an undertaking that he will be paid the amount of Rs.5,00,000/- within a period of 1 year. Since the dispute is civil in nature, the petitioner was advised by the respondent police that if the accused failed to repay the amount, the petitioner shall workout his remedy before the appropriate forum and the same was stated by the learned trial Judge by passing the impugned order dated 04.08.2023, that the petitioner had no transaction with the accused Ramaiah Pandian and hence, the petitioner shall



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work out his remedy before the appropriate forum. Aggrieved against the same, the petitioner filed this Revision.

3. This Court perused the affidavit as well as the document filed in support of the case and also perused the report of the respondent police.

4. From the records, it is clear that Mr.Venkatachalapathi is the friend of the petitioner and also the partners. The petitioner received a sum of Rs.8,00,000/- as a debt and the same was not repaid. It is further case of the petitioner that the said Ramaiya Pandian after receiving the amount from the Venkatachalapathi, has not repaid the same to the petitioner. All the said transaction resemble of civil nature. Hence, the learned trial Court correctly dismissed the petition filed by the revision petitioner under Section 156 of Cr.P.C.,

5. In view of the above, this Criminal Revision Case is dismissed. Since the dispute is civil in nature, the petitioner shall work out his remedy in accordance with law.

11.09.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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K.K.RAMAKRISHNAN, J.

dss

To

- 1.The Judicial Magistrate No.II,
Kovilpatti, Tuticorin, Tuticorin District.
- 2.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti, Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

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