



Crl.R.C.(MD).No.1067 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.1067 of 2023

Gunasekar

... Petitioner/Complainant

Vs.

1.David Pon Pandiyan

2.Rajkumar

... Respondents/Accused

3.State rep.by its:-

The Inspector of Police,
District Crime Branch,
Tuticorin District.

... 3rd Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order passed by the learned Judicial Magistrate No. IV, Tuticorin in Cr.M.P.No.7199 of 2023 dated 14.07.2023 set aside the same and allow this revision petition and thus render justice.

For Petitioner : Mr.C.Susi Kumar

For R3 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Case has been filed against the Judgment dated 14.07.2023, passed by the learned Judicial Magistrate No.IV, Tuticorin, in Cr.M.P.No.7199 of 2023.

2. The petitioner has borrowed a sum of Rs.6,75,000/- from the respondents 1 & 2, and he executed promissory note and gave unfilled cheque as a security along with some original documents. He settled the dues through the bank account. But, they did not return the said promissory note, unfilled cheque and other documents. Subsequently, they demanded exorbitant interest. Therefore, he made a complaint before the jurisdictional police and there was no action and hence, he made the complaint before the Superintendent of Police, Thoothukui. The Superintendent of Police, Thoothukudi directed the third respondent to conduct enquiry on the complaint given by the petitioner. The third respondent conducted enquiry and also filed a report. But, the petitioner has filed a petition in Cr.M.P.No.7199 of 2023 before the learned Judicial Magistrate No.IV, Tuticorin, under Section 156(3) of Cr.P.C., seeking a direction to the respondent police to register a case against the respondents 1 and 2. The learned Judicial Magistrate dismissed the same on 14.07.2023. Aggrieved against the



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same, he has filed this revision.

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3. The learned counsel for the petitioner submitted that the respondents 1 and 2 are money lenders. They are having a habit of receiving original documents, promissory note and unfilled cheques at the time of payment of the amount and demanding exorbitant interest. The petitioner paid the amount of Rs. 5,75,000/- as cash and paid the remaining amount of Rs.1,00,000/- through RTGS transaction. Hence, he demanded the cheque and promissory note given as security. Instead of returning the same, the respondents 1 and 2 threatened the petitioner. Hence, the petitioner lodged a complaint before the respondent police. But the learned trial Judge erroneously dismissed the petition.

4. This Court considered the submission of the learned counsel appearing for the petitioner and perused the impugned order and the records.

5. From the perusal of the impugned order of the learned trial Judge, it is clear that the third respondent police conducted enquiry and filed a report. In the report, it is stated that the respondent had initiated the proceedings under 138 Negotiable Instrument Act, in S.T.C.No.386 of 2023 for the alleged 'dishonour of



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cheque' against the petitioner. After that only, as a counter blast, the petitioner made the said complaint. According to the petitioner, he made the entire payment on 23.02.2021 and thereafter, the respondent demanded exorbitant interest. This Court is unable to accept the same for the reason that the petitioner has not sent any reply to the legal notice issued by the respondents for the alleged dishonour of cheque. Hence, the learned trial Judge correctly dismissed the petition and also this Court finds that there is no *bonafides* in the allegation made by the petitioner and there is no reason to interfere with the order of the learned trial Judge.

6. Accordingly, this Criminal Revision Case is dismissed and the order passed by the learned Judicial Magistrate No. IV, Tuticorin in Cr.M.P.No.7199 of 2023 dated 14.07.2023 is hereby confirmed

26.09.2023

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



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To

- 1.The Judicial Magistrate No. IV,
Tuticorin.
- 2.The Inspector of Police,
District Crime Branch,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer,
Record Section (Crl.)
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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