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Crl.R.C.No.113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.113 of 2024

Balakrishnan

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Corporation,
Vepery,
Chennai – 600 007.

2.The Deputy Commissioner of Police,
Adyar Deputy Commissioner of Police,
Adyar,
Chennai – 600 020.

3.The Inspector of Police (Crime),
J-1 Saidapet Police Station,
Chennai – 600 015.

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order of dismissal of the complaint by the Hon'ble Judicial IX Metropolitan Magistrate Court, Saidapet, Chennai in Crl.M.P.No.17019 of 2023 dated 20.10.2023 and to direct the 2nd respondent to register the complaint of the petitioner dated 26.07.2022.



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For Petitioner : Mr.M.Rakhi
For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order of dismissal of the complaint by the learned IX Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.17019 of 2023 dated 20.10.2023 and direct the second respondent to register the complaint of the petitioner dated 26.07.2022.

2.The petitioner had lodged a complaint to the second respondent on 26.07.2022 against one Abhishek and C.C.Velayutham for cheating the petitioner to the tune of Rs.3,15,000/-. Since no action has been taken, another complaint was lodged to the Deputy Commissioner of Police on 01.07.2023 followed by a representation to the Commissioner of Police on 27.09.2023. Thereafter too, no action has been taken. Hence, the petitioner filed a petition before the learned IX Metropolitan Magistrate, Saidapet, Chennai – 15 to



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forward the complaint under Section 156(3) of Cr.P.C. The learned Magistrate dismissed the complaint finding that the dispute is of civil in nature. Aggrieved against the same, the present revision petition has been filed.

3.The contention of the learned counsel for petitioner is that Abhishek and C.C.Velayutham are relatives. They brought one Merlin and Dhanush to the complainant and forced the complainant to invest in the Online business (CRYPT X MINE) and to become a shareholder in the business. They also promised to give good profit. Thereafter they failed to do so. The petitioner questioned Abhishek and his father Velayutham about the cheating committed by Merlin and Dhanush, who are the relatives of them. Instead of paying back the money, the said Abhishek, Velayutham, Merlin and Dhanush were threatening the petitioner using unparliamentary words and hence, a complaint has been lodged.

4.On perusal of the Lower Court order it is seen that the petitioner had invested a sum of Rs.3,15,000/- in the Online business and to become a



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shareholder in the business CRYPT X MINE. But, the complainant did not get profit and the principal amount in the Online business. The Lower Court finding is that primarily on persuasion the investment was made for a business and to become a shareholder and later complaining that the petitioner had been cheated. Further the Lower Court found that the dispute is civil in nature and for that reason dismissed the petitioner's complaint. This Court finds no reason to interfere with the well reasoned order of the Lower Court.

5.In view of the same, this Criminal Revision Case is dismissed. The petitioner has got yet another liberty to file a private complaint under Section 200 of Cr.P.C., if advised so. The jurisdictional Magistrate shall consider the same on its own merits without referring to the observations made in the above petition.

30.01.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

rsi



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- 4.The IX Metropolitan Magistrate,
Saidapet, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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