



Crl.R.C.No.151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.151 of 2024

Skills Tech Services Private Limited,
Represented by Director,
Mr.Philip Christopher,
No.713, Sangam Apartments,
No.159, Beracah Road,
Kellys Secretariat Colony,
Kilpauk, Chennai - 600 010.

... Petitioner

Vs.

1. Sangita Reddy
2. Radhakrishna Nallapati
3. K.Prabakar
4. Karthik Radhakrishnan
5. Sridhar Srinivas
6. Pulijala Srinivasa Rao

7. The State of Tamil Nadu,
Represented by the Inspector of Police,
District Crime Branch,
Chengalpet,
Office of the Superintendent of Police,
Chengalpet,
Tamil Nadu.

... Respondents



Crl.R.C.No.151 of 2024

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the order dated 07.10.2023 passed in C.M.P.No.3139 of 2023 in R.C.S.No.1 of 2022 on the file of the Judicial Magistrate No.II, Chengalpet.

For Petitioner : Mrs.Hema Sampath
Senior Counsel
for Mr.X.Selvam Sounder

For Respondents : Mr.Karthik
Senior Counsel
for Mr.S.Dhayaleswaran for R1 - R6
Mr.A.Gopinath
Govt. Advocate (Crl.Side) for R7

ORDER

The Criminal Revision Case is filed against the impugned order dated 07.10.2023 passed in C.M.P.No.3139 of 2023 in R.C.S.No.1 of 2022 by the learned Judicial Magistrate No.II, Chengalpet.

2. The case of the petitioner is that the petitioner is the Director and Authorised Signatory of the Skills Tech Services Private Limited. He



Crl.R.C.No.151 of 2024

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made a complaint before the Law Enforcing Agency on 08.05.2019 as against the private respondents and based on the said complaint, a case in Crime No.14 of 2019 was registered for the alleged offence u/s 465, 468, 471 and 420 of IPC. Aggreived over the same, the first respondent / accused filed Crl.O.P.No.15949 of 2019 before this Court to quash FIR.No.14 of 2019 and the said petition was dismissed on 26.08.2021 by directing the respondent Police to conclude the enquiry within a period of twelve weeks. Upon conducting the enquiry, the case was closed as 'mistake of fact'. Pursuant to which, the Law Enforcing Agency served RCS notice to the petitioner, against which the petitioner filed a protest petition in Crl.M.P.No.3139 of 2023 and the same was dismissed by the trial Court on 07.10.2023. Challenging the same, the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has raised several allegations that the respondents have not paid the amount and fabricated the documents in order to cheat the



Crl.R.C.No.151 of 2024

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petitioner. At one instance, the petitioner raised an invoice dated 05.11.2015 for a sum of Rs.16,28,000/- and the same was sent through normal as well as registered post, whereas, the private respondents claim that the said invoice was a forged one and they have produced an invoice dated 06.11.2015 for Rs.4,33,672/- claiming that the said invoice was genuine. However, the said invoice was secured by the Law Enforcing Agency and sent for expert opinion, which shows that the document was fabricated one. Hence, the petitioner has lodged a complaint which was not properly investigated by the Law Enforcing Agency.

4. The learned counsel appearing for the private respondents has submitted that the dispute between the petitioner and the private respondents is civil in nature and it does not come within the purview of criminal case and the trial Court has rightly dismissed the petition filed by the petitioner which is perfectly in order and the petitioner has to necessarily ventilate the issue either by way of filing appropriate complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik



Crl.R.C.No.151 of 2024

Suraksha Sanhita, 2023 or by way of filing appropriate suit before the competent forum.

5. Heard the learned counsel for the petitioner, the learned counsel for the private respondents and the learned Government Advocate (Crl.Side) for the seventh respondent.

6. From the facts narrated in the affidavit filed in support of this petition, it is clear that the dispute between the petitioner and the private respondents is civil in nature. Instead of approaching the civil Court, the petitioner has filed a protest petition and the same was dismissed. This Court, without expressing any opinion on the merits of the case and without interfering with the order under challenge, grants liberty to the petitioner to workout his remedy in the manner known to law either by way of filing appropriate complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023 or by way of filing appropriate suit before the competent forum. If such complaint or suit is filed, the



Crl.R.C.No.151 of 2024

competent jurisdictional Court shall consider the same and pass orders, after affording sufficient opportunity to both parties.

7. Accordingly, this Criminal Revision case stands dismissed.

22.07.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Inspector of Police,
District Crime Branch,
Chengalpet,
Office of the Superintendent of Police,
Chengalpet,
Tamil Nadu.
2. The Judicial Magistrate No.II,
Chengalpet.



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Crl.R.C.No.151 of 2024

M.DHANDAPANI, J.

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Crl.R.C.No.151 of 2024

22.07.2024