



Crl.R.C.No.117 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.117 of 2023

Sripaulkumar

... Petitioner

Vs.

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.
- 2.The Inspector of Police,
Central Crime Branch,
Team-21A, EDF-III,
Vepery, Chennai-600 007.
- 3.M/s.JCT Limited,
Rep.by its Director,
Mr.Sammeer Thapper,
Textile Division, G.T.Road,
Phagwara, Punjab-144401.
- 4.Kamal Bhasin,
President of M/s.JCT Limited,
Textile Division, G.T.Road,
Phagwara, Punjab-144401.



Crl.R.C.No.117 of 2023

5.Pavan Mathur,
Vice President,
M/s.JCT Limited,
Textile Division, G.T.Road,
Phagwara, Punjab-144401.

... Respondents

(*R3 to R5 were impleaded as per the order of this Court dated 10.02.2023 made in Crl.M.P.No.1845 of 2023 in Crl.R.C.No.117 of 2023*)

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order, dated 14.10.2022 passed in Crl.M.P.No.2192 of 2022 on the file of the learned Judicial Magistrate No.1, Poonamallee and further directing to take cognizance of the same on file.

For Petitioner : Mr.J.Sudhakaran

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)
for R1 and R2
No appearance for R3 to R5

ORDER

The Criminal Revision Case is filed, challenging the order, dated 14.10.2022 passed in Crl.M.P.No.2192 of 2022 by the learned Judicial Magistrate No.1, Poonamallee.



CrI.R.C.No.117 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as Commission Agent of M/s.JCT Limited, who is the third respondent herein, and his commission amount was determined as 1.5% and he worked as Commission Agent from 2015 to 2019, but his commission amount of Rs.81,99,505/- was not given, for which, he has made complaint before the Police and it was not taken on file. Thereafter, he filed a petition under Sections 190, 200 and 202 Cr.P.C before the trial Court to take cognizance of the offence and direct the second respondent Police to register the FIR and investigate the case, however, it was dismissed. Challenging the same, the present petition has been filed.

3. Heard the learned counsel appearing for the petitioner.

4. It is clear from the submission made by the learned counsel appearing for the petitioner that the petition was filed by the petitioner before the trial Court on the ground that the third respondent Company has not paid the commission amount for the work done by the petitioner



CrI.R.C.No.117 of 2023

from 2015 to 2019, however, since the dispute between the petitioner and the private respondents is civil in nature and it does not come within the purview of criminal nature, the trial Court has rightly dismissed the complaint filed by the petitioner which is perfectly in order and the petitioner has to necessarily ventilate the issue before the civil Court instead of approaching the Law Enforcing Agency and the Criminal Court. This Court does not find any error in the order passed by the learned Judicial Magistrate No.1, Poonamallee. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

5. Accordingly, the Criminal Revision Case is dismissed.

24.07.2024

NCC: Yes/No
Index: Yes/No
Speaking/Non-Speaking order
ssb



CrI.R.C.No.117 of 2023

WEB COPY To

The Judicial Magistrate No.1, Poonamallee.



WEB COPY



Crl.R.C.No.117 of 2023

M.DHANDAPANI, J.

ssb

Crl.R.C.No.117 of 2023

24.07.2024