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Crl.R.C.No.852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Crl.R.C.No.852 of 2024

C.R.Tamilselvan

... Petitioner

Vs.

1.The Superintendent of Police,
The Office of the Superintendent of Police,
Namakkal District.

2.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

3.The Inspector of Police,
District Crime Branch,
Namakkal District.

... Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to set aside the order dated 28.02.2023 made in CMP.No.1416 of 2023, on the file of the learned Judicial Magistrate No.1, Namakkal.

For Petitioner : Mr.B.Mohan

For Respondents : A.Gopinath

Government Advocate (Crl.Side)

ORDER

This petition has been filed to to set aside the order dated 28.02.2023 made in CMP.No.1416 of 2023, on the file of the learned Judicial Magistrate No.1, Namakkal.



2.The case of the petitioner is that the petitioner was working in

Tamil Nadu State Marketing Corporation Ltd. (TASMAC) as a shop supervisor.

The petitioner and his brother were running a commercial complex namely MRP Commercial Complex near by the TVS Company, Salem Main Road.

While so, in the year 2010, one Kamalnathan and his wife Indrani approached them to rent out commercial shop for rent to run their business. Hence, they

lent out commercial shop to them for rent and they started the business in the name and style of “Dream House”. By using the above said property, the said

Kamalanathan and his wife Indrani, obtained loan in his name for a sum of Rs.45,00,000/- from the City Union Bank by pledging his property and the

petitioner deposited the sum of Rs.45,00,000/- as his share in the said “Dream House” company which belongs to said Kamalanathan and his wife Indrani.

(ii). Subsequently due to his health condition, the petitioner resigned the partnership firm. When the petitioner asked Kamalanathan and his wife Indrani

to get his property document from the bank after repaying the loan, for which, they said that they will arrange the amount for repayment of loan from the

money lenders known to them. Thus, they introduced Dr.E.Ramesh Kumar and Dr.R.Ramesh Kumar who are Doctors by profession and also they are lending

money upon execution of sale deed in their favour. The said Kamalanathan and Indrani had stated that they will pay the interest regularly to them and adjust the



same in rent dues payable to the petitioner.

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(iii). The petitioner also stated that the sale deed will be cancelled and the property will be settled in favour of the petitioner once the entire dues are paid. Believing the said words, the petitioner had executed the sale deed dated 26.06.2019. Thereafter, the said Dr.E.Ramesh Kumar and Dr.R.Ramesh Kumar transferred a sum of Rs.40,00,000/- through RTGS transfer in the petitioner's account. It is pertinent to note that the property worth about Rs.5,00,00,000/-. The said Kamalanathan and Indrani had paid the interest only for seven months and they had defaulted in payment of interest and the said Dr.E.Ramesh Kumar and Dr.R.Ramesh Kumar had asked to repay the entire loan amount along with interest. Later, the petitioner came to know that the said Kamalanathan and Indrani had obtained a sum of Rs.1,40,00,000/- from them stating that they will inform the petitioner and pay the interest regularly. Dr.E.Ramesh Kumar and Dr.R.Ramesh Kumar also informed the petitioner to immediately pay the amount of Rs.2,38,85,113/- to them. Hence, the petitioner filed a petition u/s 156(3) of Cr.P.C. in Crl.M.P.No.1416 of 2023 before the learned Judicial Magistrate-I, Namakkal and the same was dismissed vide impugned order dated 28.02.2023. Aggrieved by the same, the petitioner has filed the present revision.

3. Learned counsel for the petitioner would submit that the Trial



Crl.R.C.No.852 of 2024

Court ought to have considered the averments without getting into the merits and truth in the petition while exercising the powers under Section 156(3) of Cr.P.C. and also failed to see that the offense of conspiracy and forgery is made out by the respondents. Moreover, the petitioner appeared before the Trial Court and explained the fraud committed by the respondents. However, without considering the same, the trial court had simply dismissed the petition, which is wholly unsustainable. Accordingly, he prays for allowing the revision.

4. Heard the learned counsel for the revision petitioner and perused the materials available on record.

5. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same at this stage. This Court is of the view that the entire dispute is purely civil in nature and an attempt has been made to give it a criminal colour and the parties are directed to approach the Civil forum in order to redress their grievance and there is no useful purpose will be served in keeping the petitions pending.

6. In the result, the Criminal Revision is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

06.06.2024



Crl.R.C.No.852 of 2024

WEB COPY

Index: Yes/No

Speaking/Non speaking order
msv

To

The Judicial Magistrate No.1, Namakkal.



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Crl.R.C.No.852 of 2024

M.DHANDAPANI . J,

msv

Crl.R.C.No.852 of 2024

06.06.2024