



WEB COPY



Crl.RC.No.491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.491 of 2024

C.Palanivelu

...Petitioner

Vs.

1. PSS Srinivasan

2. D.Sakthivel

...Respondents

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order in CMP.No.763 of 2023 dated 11.12.2023 passed by the Hon'ble Judicial Magistrate Court, Thiruchengode and remand the same for taking the complaint on file and proceed with evidence.

For Petitioner : Mr.K.Mohan

For Respondents : Mr.K.V.Muthuvisakan

ORDER

This Criminal Revision Case has been filed seeking quashment of the order dated 11.12.2023 passed in CMP.No.763 of 2023 on the file of the Judicial Magistrate Court, Thiruchengode.



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2. The case of the petitioner is that, he was working as a Lecturer in Knowledge Institute of Technology College and the 1st respondent was the Secretary of the Knowledge Institute of Technology Trust and the 2nd respondent was the Administration incharge of the said trust and they were jointly running an unregistered chit fund for a sum of Rs.5,50,000/- and the petitioner is one of the member/contributor. However, when it was the turn of the petitioner to take the chit amount, the 1st respondent had taken the chit amount without auction. Further, as the petitioner exposed the illegalities, irregularities and various misappropriations committed by the respondents/accused persons, they removed the petitioner from his service. Thereby, the petitioner made a complaint before the law enforcing agency, which evoked no response. Therefore, left with no other alternative, the petitioner made a complaint under Section 200 Cr.P.C. and the same was taken up on file in CMP.No.763 of 2023. The trial court, without considering any of the said facts, had mechanically dismissed the said complaint, vide impugned order dated 11.12.2023. Challenging the same, the petitioner has come up with this revision.



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3. Learned counsel for the petitioner, reiterating the grounds raised by the petitioner submitted that, the trial court failed to take note of the conversations and messages took place between the petitioner and the accused with regard to the chit transaction which were filed along with 65B affidavit, which clearly proves the case of the petitioner. Further, the chit run by the respondents is illegal as it was conducted without registering the same before the Registrar of chits. However, without properly appreciating the same, the court below has dismissed his complaint, which is grossly erroneous and perverse and the same deserves to be set aside.

4. On the above said contentions, heard counsel appearing for the respondents and perused the material documents placed on record.

5. A perusal of the material available on record reveals that, though the petitioner made various allegations as against the respondents, however, no documents were produced by the petitioner to prove the



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same and the petitioner even failed to establish that the respondents were running a chit fund. Further, it is evident from the record that, initially the petitioner made a complaint before the law enforcing agency, however, subsequently he did not press the same and no proper reasons were stated for not pressing the said complaint.

6. Hence, in the absence of any oral or documentary evidence, the trial court based on the materials placed before it had dismissed the complaint on the ground that there is no sufficient grounds available in the case records for proceeding further, in which this Court does not find any fault with and thereby, this Court is not inclined to interfere with the same.

7. However, the petitioner is at liberty to seek for appropriate remedy before the competent civil forum, if he has sufficient documents to establish his case.



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8. For the reasons aforesated, this Criminal Revision Case stands dismissed with the above liberty.

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skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

The Judicial Magistrate Court,
Thiruchengode.



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M.DHANDAPANI, J.

skt

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