



WEB COPY



CrI.R.C.No.546 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.546 of 2022

G.Narayanan

... Petitioner

Vs.

S.Aarthi

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the order dated 15.03.2022 made in C.C.No.2918 of 2019 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.N.Kumar Rajan

For Respondent : No appearance



Crl.R.C.No.546 of 2022

WEB COPY

ORDER

This criminal revision case is filed against the impugned order dated 15.03.2022 passed in C.C.No.2918 of 2019 by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the petitioner / complainant is that the respondent /accused along with her husband availed loan of Rs.10,00,000/- from the petitioner, for which, they tendered the property document as security for repayment of the amount. Further, the respondent gave a sum of Rs.50,000/-. In the meantime, the petitioner came to know that the original property document was already sold to third party in the year 2016 itself, by suppressing the fact about the documents given as security. Thereafter, to discharge her liability, the respondent has given cheque for a sum of Rs.9,50,000/- bearing Cheque No.033872 dated 12.05.2017. When the cheque was presented for collection by the complainant, the same was returned dishonoured with an endorsement “account blocked”. Since, there was no reply, the complainant has filed a case against the respondent /



Crl.R.C.No.546 of 2022

accused for the alleged offence under Sections 406, 420, 467, 468 and 471 of IPC before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai. However, on 15.03.2022, the trial Court dismissed the case for non-appearance of the petitioner. Challenging the same, the petitioner has filed the present revision before this court.

3. The learned counsel appearing for the petitioner submitted that no case can be disposed without providing opportunity, however, in the present case, due to Covid-19 pandemic situation, the petitioner has not appeared before the trial Court. However, without considering the same, the trial court dismissed the case, which is wholly unsustainable.

4. Though the name of the respondent has been printed in the cause list, none appeared on behalf of her. Considering the pendency of this revision, this Court is inclined to dispose of this revision based on the materials available on record.



Crl.R.C.No.546 of 2022

WEB COPY

5. On a careful perusal of the order of the trial Court, it is crystal clear that the trial Court has taken several precautionary steps before passing the order dismissing the case. In fact, the trial Court has issued a notice to the complainant, calling upon the complainant to appear for the hearings on various dates, but she has not appeared before the trial Court earlier from 09.09.2021, 07.10.2021, 18.11.2021, 09.12.2021, 06.01.2022, 17.02.2022 and 13.03.2022 even though the case is posted for evidence of complainant. Here is a case, even though, the case is pending before the trial Court from 2019, the petitioner / complainant has not chosen to appear before the trial Court and therefore, the trial Court has rightly dismissed the case. The non-appearance of the complainant continuously before the trial Court shows that the complainant is not interested in pursuing the matter further and therefore, such kind of attitude of the complainant should be nipped in bud and hence, I do not find any reason to interfere with the reasoned order of the trial Court dated 15.03.2022 made in C.C.No.2918 of 2019. However, liberty is granted to the petitioner to approach the Civil Court and the period of pendency of the petition filed by the petitioner before the wrong forum shall stand



Crl.R.C.No.546 of 2022

excluded for the purpose of computation of limitation.

WEB COPY

6. Accordingly, this Civil Revision Case is dismissed.

08.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The XXIII Metropolitan Magistrate,
Saidapet,
Chennai.



WEB COPY



Crl.R.C.No.546 of 2022

M.DHANDAPANI, J.

vji

Crl.R.C.No.546 of 2022

08.07.2024