



WEB COPY



Crl.R.C. No. 1387 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE M. NIRMALKUMAR

CRIMINAL REVISION CASE No. 1387 of 2024

V.C. Ravichandran

..Petitioner

Vs.

1. Arulthiru Prabhu Chandiramohan

2. Kavitha Rosaline

3. Selvakumar

4. Nelson Jayakumar

..Respondents

Prayer: Criminal Revision Petition as against the order dated 23.01.2024 passed in Crl.M.P. No. 7752 of 2023 on the file of Judicial Magistrate No.2, at Dharmapuri.

For Petitioner :: Mr.P. Raja

O R D E R

The petitioner had filed a petition in Crl.M.P. No. 7752 of 2023 under Section 156(3) Cr.P.C. before Judicial Magistrate No.II, Dharmapuri for a direction to the Inspector, District Crime Branch, Dharmapuri, to register a case against respondents 1 to 4 based on the complaint lodged by the petitioner. The Lower Court, by order dated 23.01.2024, dismissed the petition against which the present revision has been filed.



Crl.R.C. No. 1387 of 2024

WEB COPY 2.

The contention of the learned counsel for the petitioner is that the petitioner, along with the complaint, had annexed 12 documents including the Bank Statement of CSI Nursery School to prove the fact that misappropriation had been committed by respondents. According to the learned counsel, the petitioner is a former member of CSI Diocese, Coimbatore and a permanent and current member of Salem – Erode CSI Diocese. The 1st respondent is a Pastor in St. Lucas Church, Kothagiri, Nilgiris District. He is also the Chairman of Pastorate Committee. The 2nd respondent is the Principal of CSI Zion Nursery and Primary School owned by CSITA (Church of South India (CSI) and its Trust Association (TA)), coming under Salem – Erode CSI Diocese. The 3rd respondent is the former treasurer of CSI Diocese, Coimbatore and the 4th respondent is an Auditor of CSI Diocese in Salem. All the respondents have joined together and conspired to misappropriate the funds of the school and a sum of Rs.6 lakhs has been misappropriated. Learned counsel would further submit that the Lower Court, though dismissed the complaint stating that there are no materials warranting a direction as prayed for by the petitioner, had given a finding that based on the documents and evidence, the petitioner could file a private complaint against the respondents with regard to the



Crl.R.C. No. 1387 of 2024

misappropriation of funds of the school. As against the said dismissal, the present revision has been filed.

3. It is seen that the impugned order is a detailed one. The finding of the Lower Court is that though the petitioner had sent a complaint to the Superintendent of Police, Dharmapuri, he has not lodged any complaint to the jurisdiction Police or to the District Crime Branch. From a perusal of the averments, it is not known as to what happened to the complaint lodged with the Superintendent of Police, Dharmapuri. The petitioner has not clarified. Further, the guidelines issued by the Apex Court in the case of ***Sakiri Vasu V. State of Uttar Pradesh and Others ((2008) 2 SCC 409)*** has not been followed. Hence, this Court finds no reason to interfere with the order passed by the Lower Court and the criminal revision case stands dismissed. It is made clear that the petitioner is at liberty to send a representation to the CSITA and it is for CSITA to take appropriate action in this regard. The petitioner is also at liberty to file a private complaint, if he so desires.

22.08.2024

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WEB COPY



Crl.R.C. No. 1387 of 2024

M. NIRMALKUMAR,J.

nv

To

The Judicial Magistrate Court,
Dharmapuri.

Crl.R.C. No. 1387 of 2024

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