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Crl.R.C.No.1100 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.1100 of 2023

M.Arunagiri

... Petitioner

Vs.

1.State Rep by its
The Inspector of Police (Crime),
T-5, Tiruverkadu Police Station,
Tiruverkadu,
Chennai – 600 077.

2.Santhana Raj Mary Josephine

3.S.S.Antony Joseph

... Respondents

Prayer : Criminal Revision Case has been filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 03.03.2023 made in Crl.MP.No.945 of 2023 on the file of the learned II Judicial Magistrate Court, Poonamallee.

For Petitioner : Mr.J.Manikandan

For Respondent : Mr.A.Gopinath for R1

Government Advocate (Crl. Side)

R2 and R3– No appearance



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ORDER

This Criminal Revision case has been filed to set aside the order dated 03.03.2023 made in Crl.MP.No.945 of 2023 on the file of the II Judicial Magistrate Court, Poonamallee.

2. The petitioner lodged a complaint before the second respondent on 04.04.2022. The 2nd and 3rd respondents together approached the petitioner on 12.02.2020 and gave an order of supplying and installing grilled gates and iron doors worth 14,74,050/-. Out of which, the 3rd respondent transferred a sum of Rs.10,35,050/- and the balance amount of Rs.4,39,000/- has not been settled by him. The petitioner came to know that the 2nd and 3rd respondents had cheated him. Hence, the petitioner made a complaint before the second respondent police. However, they have not taken any steps and therefore, the petitioner has filed a petition before the learned II Judicial Magistrate Court, Poonamallee and the same was dismissed. Challenging the said order, the present revision has been filed.



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3. The learned counsel for the petitioner submitted that without interfering with the impugned order, this Court may grant liberty to the petitioner to file a suit or file a petition under Section 200 Cr.P.C. before the appropriate civil forum.

4. The learned Government Advocate appearing for the State submitted that the issue between the petitioner and the accused person is purely civil in nature and an attempt has been made to give it a criminal colour. Hence, the learned counsel prays to dismiss the present petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

6. 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 petitioner is directed to approach the



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Civil forum in order to redress their grievance and there is no useful purpose will be served in keeping the petitions pending and the respondent police have no role to play in a case of this nature.

7. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, permit the petitioner to file a petition under Section 200 Cr.P.C. Or section 223 of BNSS Act before the appropriate forum.

8. With the above directions, the writ petition is dismissed.

02.08.2024

Index: Yes/No
Speaking/Non-Speaking order
msv



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To

1.The II Judicial Magistrate Court, Poonamallee.

2. The Inspector of Police (Crime),
T-5, Tiruverkadu Police Station,
Tiruverkadu,
Chennai – 600 077

3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

msv

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