



Crl.R.C.No.799 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.799 of 2021

Karunanithi

... Petitioner

Vs.

1.The Inspector of Police,
Thiyagadurgam Police Station,
Villupuram.

2.Saiyed Kaja Moidheen
3.Kumaresh
4.Nabisha
5.Abdul Rahman
6.Chitra
7.Ashrafbai
8.Fathima Begam
9.Meera

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 of Criminal Procedure Code, seeking to call for the records and set aside the order dated 19.07.2021, passed in C.M.P.No.772 of 2021, on the file of Judicial Magistrate – II, Kallakurichi and issue necessary direction to the first respondent for further investigation in Crime No.535 of 2019.

For Petitioner : Mr.A.Prabhakaran
For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

The criminal revision case has been filed seeking to set aside the order dated 19.07.2021 passed in C.M.P.No.772 of 2021 on the file of the learned Judicial Magistrate – II, Kallakurichi and to issue necessary direction to the first respondent for further investigation in Crime No.535 of 2019.

2.The case of the petitioner is that the respondents 2 to 9 collected a sum of Rs.26,50,000/- from the petitioner and 79 others promising to get jobs at abroad viz., in particular at France however the said promise was not honoured by the private respondents and hence, the petitioner lodged a complaint before the law enforcing agency and the same was registered as F.I.R. in Crime No.535 of 2019 for the offence under Section 420 of I.P.C. The law enforcing agency conducted investigation and closed the case as 'mistake of fact' without issuing notice to the petitioner. Hence the petitioner filed protest petition before the learned Judicial Magistrate – II, Kallakurichi and the said petition was dismissed on 19.07.2021. Hence, this revision.



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3.Perusal of the impugned order reveal that the petitioner/ defacto complainant collected a sum of Rs.26,50,000/- and forwarded the same to his sister's son Kaja Moidheen and to the said Kaja Moidheen's friend Kumaresh. Based on the alleged fraud played by the defacto complainant, the witness and defrauded person one Suresh Kannan preferred a complaint against the petitioner and the law enforcing agency issued CSR No.684 of 2019 and during the course of enquiry, the petitioner settled half the money and promised to settle the balance in few weeks and hence, the said Suresh Kannan not pressed CSR No.684 of 2019.

4.The impugned order further reveal that on investigation ordered under Section 202 of Cr.P.C., the first respondent filed report before the trial Court stating that the petitioner has preferred complaint to the Mumbai Police Station pertaining to place where Kaja Moidheen is residing and thereafter settlement was arrived at between them and the said Kaja Moidheen is said to have drawn four cheques to the tune of Rs.8 Lakhs describing the complainant as payee and all the cheques got bounced thereafter Kaja Moidheen's brother Abdul Rahuman is said to have transferred certain immovable property in the name of the petitioner to settle the amount.



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M.DHANDAPANI,J.
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5.The above shows that the petitioner did not approach the trial Court with clean hands and has filed the protest petition in order to drag on the proceedings. Hence, the impugned order warrants no interference.

6.This revision is dismissed.

22.04.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate – II,
Kallakurichi.

2.The Inspector of Police,
Thiyagadurgam Police Station,
Villupuram.

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