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CrI.OP.No.19579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.19579 of 2024

P.Nagarajan

... Petitioner

Vs.

A.Ramesh

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of B.N.S.S Act, 2023 , to allow that criminal petition by setting aside the order dated 12.02.2023 in CrI.RC.No.151 of 2023 passed by the Hon'ble Principal Sessions Judge, City Civil Court, Chennai and to register FIR against the accused.

For Petitioner : Ms. Nivetha Bernice

ORDER

A private complaint alleging that the seethana articles returned back to the wife through the respondent Ramesh her Tata Ace vehicle driver not been properly delivered and therefore, he must be prosecuted for the offence under Sections 406 of IPC is a criminal breach of trust and



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420 of IPC came to be considered by the learned Judicial Magistrate and found that it is a bereft of details of any commission of cognizable offense and dismissed. Being aggrieved, the petitioner has preferred revision before the Sessions Court. The learned Sessions Judge, after going through the records, concurred the view expressed by the learned Metropolitan Magistrate and dismissed the revision. Being aggrieved by the concurrent finding, the present Original Petition is filed.

2. The learned counsel appearing for the petitioner states that only when the wife filed M.C.No.124 of 2014, he came to know that the seethana articles sent through the respondent herein not taken delivery by his wife. When the respondent has informed the petitioner that all the seethana articles loaded in his vehicle were unloaded in the door steps of his wife's house, he believed it but only when M.C.No.124 of 2014 came for consideration he realized that the articles were not delivered to his wife. Even assuming that the allegations made in complaint is true. The complaint filed after nine years of the occurrence necessarily need to be rejected at the outset, the learned Judicial Magistrate has rightly rejected and the Sessions Court also dismissed the revision petition. There is no scope to interfere the considered order of the Courts below exercising



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power under Section 482 of Cr.P.C. Hence, this Criminal Original

Petition is dismissed.

14.08.2024

Vv

To

1. The Inspector of Police,
All Women Police Station(W8),
Thirumangalam,
Chennai District.
2. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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