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Crl.RC.Nos.1415 & 1416 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.Nos.1415 & 1416 of 2022

Crl.R.C.No.1415 of 2022:

Kasthuri

Rep. by Power Agent Subramaniyan

... Petitioner

Vs

1.The Project Director,
Patel-Infrastructure (P) Lit., (NH-45C),
NAHAI NH-45C,
No.54, North Nagarajapuram,
Opposite to ANM Medicals,
Thanjavur.

2.Ram Anand

3.Nirmaladevi

4.The Project Director,
Patel-Infrastructure (P) Ltd, (NH-45C),
No.112, Sarangabani (South Street),
Valyapettai (Aghraharam),
Kumbakonam.

... Respondents

Prayer:- Criminal Revision filed under Section 397 read with 401 of Cr.P.C., to set aside the impugned order, dated 21.07.2022, passed in C.M.P.No.909 of 2022, on the file of the District Munsif cum Judicial Magistrate Court, Kattumannarkoil.



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Vs

1.The Project Director,
Patel-Infrastructure (P) Lit., (NH-45C),
NAHAI NH-45C,
No.54, North Nagarajapuram,
Opposite to ANM Medicals,
Thanjavur.

2.G.Senthil Kumar

3.Ram Anand

... Respondents

Prayer:- Criminal Revision filed under Section 397 read with 401 of Cr.P.C., to set aside the impugned order, dated 21.07.2022, passed in C.M.P.No.910 of 2022, on the file of the District Munsif cum Judicial Magistrate Court, Kattumannarkoil.

For Petitioner in both cases	:	Mr. M. Jothi Kumar
For R1 in both cases	:	Mr. C. S. S. Pillai
For R2 & R3 in both cases	:	No representation
For R4 in both cases	:	No appearance

COMMON ORDER

Both the Criminal Revision Cases have been filed against the impugned order, dated 21.07.2022, passed in C.M.P.No.909 of 2022 and



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C.M.P.No.910 of 2022, respectively, on the file of the District Munsif-cum-Judicial Magistrate Court, Kattumannarkoil.

2. The brief facts of both the cases are that the petitioner filed a private complaint under Section 190 read with 200 Cr.P.C., as against the respondents and the same was dismissed by an order dated 21.07.2022. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner in both the cases would submit that the second and third respondents are the Sub-contractors, working under the guidance of the first respondent and they collected raw materials for laying bitumen road based on the contract with the National Highways Authority of India. However, on receipt of the raw materials collected, the second and third respondents did not pay any amount to the petitioner. Therefore, the petitioner made a complaint before the National Highways Authority of India against the first, second and third respondents in which, the National Highways Authority of India, vide its order dated 24.05.2022, issued a direction to the first respondent to take appropriate action against the second and third respondents. Even then, the first



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respondent has not taken any action against them and hence, the petitioner filed a complaint under Section 200 Cr.P.C before the Trial Court for the offence under Sections 120(b), 417 and 420 of IPC and the same was rejected by the Trial Court as not sustainable. Accordingly, he prayed for a suitable order.

4. The learned counsel appearing for the respondents in both the cases would submit that it is only a contractual dispute between the second and third respondents and the petitioner, and the first respondent has not purchased any material from the petitioner. If at all, he has purchased the materials through invoices, the petitioner has to approach the competent Court for appropriate orders and these petitions before the trial Court are not maintainable. Accordingly he prayed for a suitable order.

5. This Court heard the submissions of the learned counsel on both sides.

6. Considering the fact that the issue involved in these cases is purely contractual in nature, the remedy lies to the petitioner only before the Competent Civil Court.



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7. In view of the above, both the Civil Revision Cases filed by the petitioner are dismissed. However, liberty is granted to the petitioner to approach the Civil Court for appropriate relief.

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Internet : Yes

Index: Yes/No

Neutral Citation Case : Yes/No



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M.DHANDAPANI, J.,

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