



Crl.M.P.No.12701 of 2024
in
Crl.R.C.SR.No.23832 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.12701 of 2024
in
Crl.R.C.SR.No.23832 of 2024

Anbarasan

... Petitioner

Vs.

The State rep by
Station House Officer,
Villianur Police Station,
Puducherry.

... Respondent

Prayer in Crl.M.P.No.12701 of 2024: Criminal Miscellaneous Petition filed under Sections 5 of the Limitation Act praying to condone the delay of 292 days in filing the above Criminal Revision Petition against the impugned order dated 05.04.2023 passed in Crl.M.P.No.11030 of 2022 on the file of Judicial Magistrate-III, Puducherry.

Prayer in Crl.R.C.SR.No.23832 of 2024: Criminal Revision Petition filed under Sections 497 r/w 401 of Cr.P.C. praying to set aside the impugned order dated 05.04.2023 passed in Crl.M.P.No.11030 of 2022 on the file of Judicial Magistrate-III, Puducherry and allow the above Criminal Revision Case and consequently direct the respondent to register the F.I.R. based on the complaint dated 04.04.2022 lodged by the petitioner.



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For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
Assisted by
Ms.Dhanalatchumy

ORDER

The petitioner has filed this revision challenging the impugned order passed in Crl.M.P.No.11030 of 2022 dated 05.04.2023 with a petition to condone the delay of 292 days in filing the above revision.

2.Mr.K.S.Mohandass, learned Public Prosecutor (Puducherry) strongly objected for the condonation of delay petition for the reason that in the affidavit of petitioner no proper reason given and the reason given is also without any bonafide. He further submitted that on merits of the case the Judicial Magistrate had rightly dismissed the petition for the reason that the grievance of the petitioner is only on deficiency in service, for which, the petitioner has to necessarily approach the Consumer Court and not by way of filing a complaint to register an F.I.R.



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3.The learned counsel for petitioner opposed the same referring to his complaint and submitted that he approached M/s.Moham Auto Private Limited at Moolakadai, Pondy-Villupuram for purchase of Honda Unicorn Black colour Bike for presenting the same for his sister's marriage on 06.04.2022. He approached the Auto mobile dealer on 25.02.2022 and paid Rs.1,000/- as advance amount to display the bike during the marriage ceremony on 06.04.2022. On 31.03.2022, as per the advice of the dealer the petitioner paid the balance amount of Rs.49,025/-. Thereafter, when he went to take delivery of the vehicle after paying balance amount, he found that the vehicle, which was shown to him on 30.03.2022 is not the vehicle which was delivered on 04.04.2022. Hence, he filed a complaint to the jurisdictional police, thereafter made representation to the Commissioner of Police. Since no action has been taken, he filed a petition under Section 156(3) of Cr.P.C. before the Lower Court and the same was dismissed. Hence, the above revision has been filed.

4.Considering the submissions made on either side and on perusal of the material, it is seen that as rightly contended by the Public Prosecutor the



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dispute is with regard to the delivery of vehicle, which purely comes under deficiency in service by M/s.Moham Auto Private Limited. It is for the petitioner to approach the Consumer Court and not by filing a criminal complaint. The trial Court had rightly given such finding and dismissed the petition. This Court finds no reason to interfere with the order passed by the Lower Court on merits also.

5.Accordingly, this Criminal Miscellaneous Petition is dismissed. Consequently, the Crl.R.C.SR.No.23832 of 2024 is rejected at the SR stage itself.

11.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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CrI.M.P.No.12701 of 2024
in
CrI.R.C.SR.No.23832 of 2024

To

- 1.The Station House Officer,
Villianur Police Station,
Puducherry.
- 2.The Judicial Magistrate-III,
Puducherry.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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