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Crl.R.C.No.1887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.R.C.No.1887 of 2024**

Arulmozhi

... Petitioner

Vs.

1.The State Rep by,  
The Inspector of Police,  
Villianur Police Station,  
Puducherry.

2.M.Pandiyan

3.P.Thamilselvi

...Respondents

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to an order dated 08.08.2024 made in Crl.M.P.No.2943 of 2024 on the file of Judicial Magistrate-III at Puducherry and set aside the same and consequently direct the 1<sup>st</sup> respondent to register an F.I.R. against the respondent Nos.2 & 3.

For Petitioner : Mr.Giri Nagu Kumar  
for Ms.T.Lavanya

For Respondent-1 : Mr.S.Udaya Kumar  
Government Advocate (Crl. Side)



## **ORDER**

**WEB COPY** The revision challenges the dismissal of the petitioner's application filed under Section 156(3) of Cr.P.C.

2.It is the case of the petitioner that the respondents 2 and 3 have borrowed a sum of Rs.13,00,000/- and agreed to repay the same with interest; that when the petitioner demanded the repayment of the loan amount, the respondents abused the petitioner in filthy language and that though the petitioner had given a complaint to the first respondent, no action was taken by the first respondent and hence, the petitioner sought for registration of complaint under Section 156(3) of Cr.P.C.

3.The petition filed by the petitioner in Cr.M.P.No.2943 of 2024 was dismissed by the learned Magistrate on the ground that the allegations only discloses a civil dispute and that the allegations with regard to misbehaviour and threat cannot be accepted, since the petitioner had not complained immediately.

4.The learned counsel for the petitioner would submit that though the allegations constitute an offence, the learned Magistrate at this stage ought



not to have held that the allegations cannot be true and ought to have directed the first respondent to register an F.I.R.

5.The learned Government Advocate per contra submitted that the petitioner had lent a sum of Rs.13,00,000/-; that subsequently, the respondents 2 and 3 had repaid a sum of Rs.8,00,000/- and the complaint only discloses a civil dispute; that the allegations with regard to misbehaviour and criminal intimidation is an afterthought; that therefore the police had closed the case; and that the learned Magistrate had also dismissed the petition, which is in accordance with law.

6.On perusal of the impugned order and the rival submissions, this Court finds that admittedly, the respondents 2 and 3 had repaid a sum of Rs.8,00,000/- out of the sum of Rs.13,00,000/- received as loan. It is the petitioner's case that the second accused had defamed the petitioner's character and threatened the petitioner. However, the complaint does not disclose the exact date on which the alleged threat was made and the nature of threat. If the petitioner is aggrieved by any act of defamation by the first respondent, the remedy lies elsewhere. Therefore, this Court is of the view that there is no infirmity in the order of the trial Court in dismissing the



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petition filed under Section 156(3) Cr.P.C., as the allegations only discloses a civil dispute and the offences alleged are not made out.

7.Hence, this Court is not inclined to entertain this Criminal Revision and the same is dismissed.

10.12.2024

Index : Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation: Yes/No  
rsi

To

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



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**SUNDER MOHAN, J.**

rsi

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**10.12.2024**