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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.552 of 2023

P.Sahaya Reyon

... Petitioner

-Vs-

1. Rajaji Manikandan Ragavan

2. The Commissioner of Police
Tambaram
Elcot Sez, Karapakam
Sholinganallur, Chennai-119.

3. The Inspector of Police,
Jothi Nagar, S12 Chitlapakkam,
Chennai-64.

... Respondent

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records relating to the order/judgment dated 14.07.2022 in Crl.MP.No.4864 of 2022 on the file of the learned Judicial Magistrate-I Tambaram and set aside the same and direct the 3rd respondent to register the FIR against the first respondent.

For petitioner : Mr.Mohammed Mudassir Ali

For Respondents : Mr.A.Gopinath, R2 & 3
Government Advocate
R1 – NRN

**ORDER**

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The Criminal Revision is filed to quash the order/judgment dated 14.07.2022 in CrI.MP.No.4864 of 2022 on the file of the learned Judicial Magistrate-I Tambaram and direct the 3rd respondent to register the FIR against the first respondent.

2. The case of the prosecution is that when the petitioner was looking for a house through online under lease, the first respondent introduced him as a house owner for lease. The petitioner has given a sum of Rs.5,00,000/- on various dates and the petitioner and the third respondent has entered into an agreement for two years. In the year October 2021, someone came and informed the petitioners parents, he is the Flat Supervisor and last month rent was not received. Thereafter, the petitioner came to know that he was cheated by the first respondent. As the the petitioner was working in Dubail, the petitioner's parents lodged a complaint before the first and second respondents on 08.10.2021. After he came down to India, the petitioner came to know that the third respondent has cheated for a sum of Rs.52,00,000/- from various individuals by saying he is a real estate owner. However, the respondent police have not taken any steps and therefore, the petitioner has filed a petition before



the learned Judicial Magistrate-I, Tambaram to register a case against the second respondent and investigate the matter and the same was dismissed.

Challenging the said order, the present revision has been filed.

3. The learned counsel for the petitioner submitted that without interfering with the impugned order, this Court may grant liberty to the petitioner to file a suit or file a petition under Section 200 Cr.P.C. before the appropriate civil forum.

4. The learned Government Advocate appearing for the State submitted that the issue between the petitioner and the accused person is purely civil in nature and an attempt has been made to give it a criminal colour. Hence, the learned counsel prays to dismiss the present petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

6. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide



the same at this stage. This Court is of the view that the entire dispute is purely civil in nature and an attempt has been made to give it a criminal colour and the petitioner is directed to approach the Civil forum in order to redress their grievance and there is no useful purpose will be served in keeping the petitions pending and the respondent police have no role to play in a case of this nature.

7. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, permit the petitioner to file a petition under Section 200 Cr.P.C. Or section 223 of BNSS Act before the appropriate forum.

8. With the above directions, the writ petition is dismissed.

01.08.2024

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No



To

1. The Commissioner of Police
Tambaram
Elcot Sez, Karapakam
Sholinganallur, Chennai-119.

2. The Inspector of Police,
Jothi Nagar, S12 Chitlapakkam,
Chennai-64.

3. The Judicial Magistrate-I Tambaram.

4. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI,J.

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