



Crl.R.C.No.2165 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2165 of 2024

Radha,

...Petitioner/Petitioner

Vs.

State by
The Inspector of Police, Crime,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
Crime No. Not Known of 2024

...Respondent/Respondent

PRAYER: Criminal Revision Petition filed under Section 438 and 442 of BNSS, to set aside the order passed in Crl.M.P.No.12390 of 2024 on the file of the X Metropolitan Magistrate Court at Egmore, Chennai – 600 008.

For Petitioner : Mr.K.Bhoopathy Rajan

For Respondent : Mr.S.Uday Kumar
Government Advocate (Crl.Side)



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ORDER

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

2. The allegation of the petitioner is that the proposed accused introduced herself through online representing that she was doing online gold trading business from home and made the petitioner invest a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) in online gold trading business; and that the proposed accused also promised profit in the said business.

3. It is also admitted in the complaint that the petitioner also earned profit in the said business and shared 50% of the profit to the proposed accused; that from December 2022 although the petitioner had invested money in the business, there were no returns and when the petitioner contacted the proposed accused, she vacated her residence and thereafter when contacted through mobile phone, she promised to settle the cheated amount and issued a cheque for Rs.2,50,000/- (Rupees Two Lakhs Fifty



Thousand only); that the complaint given by the petitioner was not investigated; that hence the petitioner filed a petition under Section 156(3) of the Cr.P.C., seeking registration of FIR; and that the learned Magistrate by the impugned order had observed that there were continuous transactions between the petitioner and the proposed accused and since the proposed accused had also issued a cheque which was dishonoured, the allegation only reveals the breach of contract and no deception is made out to justify a direction under Section 156(3) of the Cr.P.C.

4. Considering the averments made in the complaint, which reveals that the transactions started in the month of November 2022 and there were continuous transactions till December 2022 and due to subsequent loss suffered by the petitioner, the instant complaint has been lodged, there is no infirmity in the order of the learned Magistrate holding that the complaint only reveals a breach of contract and the offence under Section 420 of IPC is not made out. In such circumstances, no interference is called for.



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5. Hence, the Criminal Revision Petition stands dismissed. It is needless to say that if the proposed accused is due to pay any amount to the petitioner, the petitioner is at liberty to file a Civil Suit in accordance with law.

19.12.2024

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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Copy to:

1. The X Metropolitan Magistrate,
Egmore,
Chennai – 600 008.
2. The Inspector of Police, Crime,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J.

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