



Crl.R.C.No.2143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.2143 of 2023

Murahari

... Petitioner

Vs.

1.The Inspector of Police,
Crime Branch Police Station,
Vellore.

2.K.Radha Krishnan

3.G.Dharmaraj

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w. 401 of the code of Criminal Procedure, to call for the entire records in Cr.M.P.No.10870/2023 dated 07.09.2023, on the file of the Judicial Magistrate No.IV, Vellore and set aside the same.



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For Petitioner : Mr.B.Jawahar

For R1 : Mr.A.Gopinath,
Government Advocate (Crl.side)

ORDER

The Criminal Revision Case is filed against the impugned order dated 07.09.2023 passed in Cr.M.P.No.10870/2023, by the learned Judicial Magistrate No.IV, Vellore.

2. The learned counsel appearing for the petitioner submits that the petitioner is a member of the Vellore Wholesale Estates Limited and 350 traders were members in the Company. The Directors of the Company have collected Rs.35,000/- from each of the members on the promise that they will allot 10 shares and 1000 sq.ft of land to each of the members, however, they have not allotted the same and after several requests, Share Certificate was issued in favour of the petitioner. They have obtained approval from the concerned District Collector for allotment of 40 acres of land in favour of 350 members, however, now they have proposed to allot only 500 sq.ft of



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vacant land in favour of the petitioner instead of 1000 sq.ft, and without conducting the General Assembly Meeting, they have added new members and as of now, 450 members are available and have cheated the amount collected from the petitioner and other members. Hence, the petitioner has made a complaint before the first respondent Police against the private respondents and no action was taken against them which triggered the petitioner to file a petition under Section 156(3) Cr.P.C, however, it was dismissed. Challenging the same, the present Criminal Revision Case has been filed.

3. The learned Government Advocate (Crl.side) appearing for the first respondent Police submits that the petitioner has made a complaint before the Superintendent of Police and it was forwarded to the first respondent Police. Since the dispute between the petitioner and the private respondents is civil in nature, the complaint was closed on 21.08.2023, after conducting enquiry and subsequently, the petitioner filed a petition under Section 156(3) Cr.P.C and the trial Court has also arrived at a conclusion



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that it is a civil dispute between the parties and the same has to be ventilated before the civil Court and not before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent Police.

5. On *prima facie*, it appears from the materials available on record that the dispute between the petitioner and the private respondents is civil in nature, for which, the petitioner has made a criminal complaint before the first respondent Police and since it is a civil dispute, the first respondent Police has closed the complaint given by him on 21.08.2023, after conducting enquiry and thereafter, the petitioner has filed a petition under Section 156(3) Cr.P.C before the trial Court, which was rightly dismissed by the trial Court, vide impugned order, dated 07.09.2023 on the ground that if cheating has been occurred in the Company, the Director of the Company or Serious Fraud Investigation Officer or the Officer appointed



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by the Central Government or the Officer appointed by the Government by virtue of special order may file a petition in writing, however, the petitioner as the member of the Company has to file a petition before the concerned Court if the cheating has been committed by the Directors of the Company and not before the criminal Court directly, since it is a civil dispute between the parties. Hence, no interference is required by this Court with the impugned order dated 07.09.2023 passed in Cr.M.P.No.10870 of 2023 by the learned Judicial Magistrate No.IV, Vellore.

6. Accordingly, the Criminal Revision Case is dismissed.

03.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

The learned Judicial Magistrate No.IV, Vellore.



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M.DHANDAPANI, J.

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