



Crl.R.C.(MD).No.362 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.362 of 2024

Manikandan

... Petitioner

Vs.

1.The Inspector of Police,
Ariyamangalam Police Station,
Ariyamangalam,
Trichy,
Trichy District.

2. Periyasamy

... Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the order made in CR.M.P.No. 37298 of 2023 on the file of Judicial Magistrate, No.6, Trichy, dated on 12.12.2023.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)
for R1



Crl.R.C.(MD).No.362 of 2024

WEB COPY

ORDER

The petitioner filed this revision challenging the dismissal order passed in Cr.M.P.No.37298 of 2023 by the learned Judicial Magistrate, No.6, Trichy, dated on 12.12.2023, filed under Section 156(3) to take action against the second respondent herein for the alleged criminal intimidation made on him on 18.06.2021.

2.The case of the prosecution is that the petitioner is a vehicle broker and he acted as mediator to entrust the vehicle namely Ashok Leyland Tarras lorry bearing Registration No.TN 28 AF 5767 to the second respondent herein. The second respondent neither paid monthly rent nor loan installments of to the vehicle and hence, he questioned the same. At that time, the second respondent is said to have abused him and also criminally intimidated him. In the said circumstances, he made a complaint before the jurisdictional police station and the same was not taken. Hence, he made a petition to the Superintendent of Police, Trichy. Since no action was taken by the Superintendent of Police, Trichy, he filed a petition in Cr.M.P.No.37298 of 2023, before the learned judicial Magistrate, No.6, Trichy, under Section 156(3) to take action on the



Crl.R.C.(MD).No.362 of 2024

basis of the complaint filed by him. The learned Judicial Magistrate after considering the averment made in the petition, dismissed the application stating that that there was no prima facie material to issue direction under Section 156(3) of Cr.P.C. Challenging the same, the petitioner filed this present petition.

3.The learned counsel appearing for the petitioner submitted that the dismissal order passed by the learned judicial magistrate on the ground that there was no transaction between the petitioner and the second respondent/proposed accused relating to the loan installments of the lorry and in the complaint, he has made a complaint against the criminal intimidation made by the second respondent. Hence, the learned Judicial Magistrate ought to have registered the case and issued a direction to conduct the enquiry. Hence, he seeks to allow this revision.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent police submitted that it is a private complaint and the dispute is between the broker and the proposed accused. The complainant is not a owner of the lorry. Hence, the learned trial Judge correctly dismissed the petition. Hence, he seeks to dismiss this petition.



Crl.R.C.(MD).No.362 of 2024

WEB COPY

5.This Court considered the rival submissions made on either side and perused the materials available on record.

6. The petitioner herein is the vehicle broker. He acted as as middle man. The second respondent agreed to take the vehicle of the Prem Kumar, bearing Registration No.TN-28-AF-5767 Ashok Leyland Tarras 10. As per the arrangement, the second respondent is duty bound to pay the monthly rent and also the hire purchase due. But, he neither paid the monthly rent, nor made any payment of the hire purchase monthly due amount. Therefore, he made a complaint and there was no action and hence, he filed the petition before the learned Judicial Magistrate and the same was dismissed, on the ground that the dispute is in civil nature.

7. This Court perused the entire records. From the above narration of the event no documents were produced to show that the petitioner acted a broker and also he was the owner of the vehilce to demand the monthly rent.

8. In view of the above factual circumstances, either there is transaction or



Crl.R.C.(MD).No.362 of 2024

consequential non-repayment is amount to a civil dispute and the same was correctly pointed out by the learned trial Judge that the petitioner was devoid of materials for criminal action and hence, he rightly dismissed the petition filed by the petitioner under Section 156 of Cr.P.C.

9. Therefore, for the above said reasons, this Court does not find any merit to interfere with the order passed by the learned Judicial Magistrate No.6, Trichy, in Cr.M.P.No.37298 of 2023, dated 12.12.2023.

10. Accordingly, this Criminal Revision Case fails and the same is dismissed. The order of the learned Judicial Magistrate No.6, Trichy in Cr.M.P.No.37298 of 2023, dated 12.12.2023 is hereby confirmed.

04.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
vsg



Crl.R.C.(MD).No.362 of 2024

To

WEB COPY

1. The Learned Judicial Magistrate, No.6,
Trichy.
2. The Inspector of Police,
Ariyamangalam Police Station,
Ariyamangalam, Trichy,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD).No.362 of 2024

K.K.RAMAKRISHNAN, J.

vsg

CrI.R.C(MD). No.362 of 2024

04.04.2024