



Crl.R.C.(MD)No.429 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2024

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.429 of 2024

R.M.S.Hariharan

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Nachiyarkoil Police Station,
Kumbakonam.

2.S.S.Automation and Packing Machines,
1-A, Buddha 4th Street,
Ramakrishnapuram, Ganapathy,
Coimbatore-641006

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records on the file of the learned Judicial Magistrate No.II at Kumbakonam, Thanjavur District in Crl.M.P.No.22 of 2024 dated 05.01.2024 and set aside the order passed by the learned Judicial Magistrate No.II at Kumbakonam, Thanjavur District.

For Petitioner : Mr.M.Karunanithi

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



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ORDER

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This Criminal Original Petition has been filed to set aside the order made in CrI.M.P.No.22 of 2024 dated 05.01.2024 passed by the learned Judicial Magistrate No.II at Kumbakonam, Thanjavur District.

2.The petitioner herein is the defacto complainant. He filed a petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate No.II at Kumbakonam, Thanjavur District to direct the first respondent Police to register a case as against the accused. According to the petitioner, there was a business transaction between him and the respondent. Even after receiving 95% of the amount, the respondent failed to deliver the machines. Hence, the petitioner lodged a complaint before the first respondent Police. There is no action and hence, he forwarded the complaint to the Deputy Superintendent of Police and thereafter, he filed a petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate No.II at Kumbakonam, Thanjavur District. The learned Magistrate, after considering all the aspects, dismissed the petition by stating that the entire allegations are civil in nature. Challenging the same, the present revision has been filed.



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3.This Court perused the materials available in the records and on perusal of the same reveals that the petitioner herein filed a petition under Section 156(3) Cr.P.C., by giving criminal colour to the civil dispute and the Court below rightly dismissed the petition. Therefore, this Court finds no infirmity in the order passed by the learned Judicial Magistrate No.II at Kumbakonam, Thanjavur District. Accordingly, this criminal revision case is dismissed. It is open to the petitioner to workout his remedy before the appropriate forum, in the manner known to law.

22.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Judicial Magistrate No.II,
Kumbakonam, Thanjavur District.
- 2.The Inspector of Police,
Nachiyarkoil Police Station,
Kumbakonam.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.K.RAMAKRISHNAN,J.

gns

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