



Crl.R.C.(MD).No.726 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 31.07.2024

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD).No.726 of 2024

Robert Samsaon

... Petitioner

Vs.

1.Philip Kirubakaran
2.Vasanth Selvam
3.Esther
4.Esther
5.The State of Tamilnadu
Through the Sub Inspector of Police,
South Police Station,
Tuticorin.

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 438 r/w 422 of the Bharatiya Nagrik Suraksha Sanhita, 2023, to call for the records and set aside the order dated 24.05.2024 in Cr.M.P.No.10208 of 2024 on the file of the learned Judicial Magistrate No.I, Thoothukudi and to direct the respondent to conduct a preliminary enquiry and to register a case if the cognizable offence is made out.

For Petitioners : Mr.M.Gurudas
For R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



CrI.R.C.(MD).No.726 of 2024

ORDER

WEB COPY

This petition has been filed to set aside the order dated 24.05.2024 passed in Cr.M.P.No.10208 of 2024 on the file of the learned Judicial Magistrate No.I, Thoothukudi and to direct the respondent to conduct a preliminary enquiry and to register a case.

2. The respondents 1 and 4 informed the petitioner as if they are supplying house hold articles and they can sell the house hold articles to the customer, who could not get loan from the bank and can earn lot of money in that way. In the year 2022, the second respondent approached the petitioner saying that some plots near keelavallanadu are owned by his friend and if he invested in that land, it could fetch good profit. Hence, the petitioner mortgaged his house on 23.05.2022 and gave Rs.5,90,000/- to the second respondent. The second respondent and his wife promised to give the title deeds for the said land and they did not keep their words. The petitioner informed the second respondent and his wife that he was going to make a police complaint against them. Thereafter, the respondents 1 and 4 gave the property deed for the land of 60 cents in Keelavallanadu as a security for the amount. In spite of repeated demand, the respondents did not repay the said amount. Therefore, the petitioner



Crl.R.C.(MD).No.726 of 2024

lodge a complaint to the Superintendent of Police, Thoothukudi and the same was forwarded to the fifth respondent, and without conducting proper enquiry, the fifth respondent closed the complaint. Thereafter, the petitioner has filed a petition under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate No.1, Thoothukudi, seeking a direction to the respondent to register a case. Without considering the facts of the case, the learned Judicial Magistrate dismissed the above petition. Challenging the same, the present petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the fifth respondent police submitted that the learned trial Judge after considering all the aspects dismissed the above petition. Hence, he prayed for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the fifth respondent and also perused the materials available on record.

5. The grievance of the petitioner is that he gave a sum of Rs.5,90,000/- to the second and the third respondents to invest the money



Crl.R.C.(MD).No.726 of 2024

in the land purchase. But, they have not returned the same. Therefore, he made a complaint. The learned trial Judge has dismissed the same, on the ground that no material was produced for having handed over the said money to invest the same in the land purchase on the basis of the promise made by the second and third respondents. Even the said allegation did not constitute any offence.

6. This Court finds no infirmity in the said dismissal order and also finds no perversity in the said finding of the learned trial Judge. Accordingly, this Criminal Revision Case stands dismissed and the order passed by the learned Judicial Magistrate No.I, Thoothukudi in Cr.M.P.No.10208 of 2024, dated 24.05.2024, is hereby confirmed.

31.07.2024

Index : Yes / No
Internet : Yes / No
tta/sbn



Crl.R.C.(MD).No.726 of 2024

To

- 1.The Sub Inspector of Police,
South Police Station,
Tuticorin.
- 2.The Judicial Magistrate No.I,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.R.C.(MD).No.726 of 2024

K.K.RAMAKRISHNAN, J

tta/sbn

Crl.R.C.(MD).No.726 of 2024

31.07.2024