



Crl.R.C(MD)No.1391 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.04.2024

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CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD).No.1391 of 2023

G.Aravind

.. Petitioner

Vs.

1.The Inspector of Police,
Crime,
Subramaniapuram Police Station,
Madurai.

2.Ravikumar

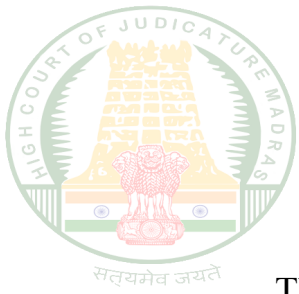
.. Respondents

PRAYER: Criminal Revision has been filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records of the order dated 11.08.2023 in Crl.M.P.No.3598 of 2023 on the file of the Judicial Magistrate No.IV, Madurai and set aside the same and give a direction to register the complaint against the second respondent.

For Petitioner : Mr.T.R.Subraminan

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

: Mr.M.S.Jeyakarthik for R2



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ORDER

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The petitioner has filed this case against the order dated 11.08.2023 in Crl.M.P.No.3598 of 2023 on the file of the Judicial Magistrate No.IV, Madurai and set aside the same and give a direction to register the complaint against the second respondent.

2.The petitioner had borrowed a sum of Rs.4,50,000/- on various dates from the second respondent. He also is said to have handed over two blank cheques and promissory note as security. He is running a cab service under the name of Alagar Tours and Travels. The second respondent also took two cars from the petitioner for rent with the undertaking to pay rent and he neither paid the rent nor returned the cars. The second respondent was attempting to sell the cars and the same was questioned by the petitioner and he asked to return the vehicles, and the second respondent demanded exorbitant interest and criminally intimidated him. Therefore, he gave a complaint before the jurisdictional police and the same was enquired and closed in C.S.R.No.518 of 2023. Thereafter, he filed the complaint under Section 156(3) of Cr.P.C., to issue a direction to the respondent police against the second respondent under Section 406, 420 and 506(i) of IPC. The learned trial Judge dismissed the petition stating that there was no material to presume the truthfulness of the allegation made in the petition and also the

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allegation that the second respondent made attempt to sell the vehicle of the petitioner without R.C.Book and signature of the petitioner in the transfer form. The learned trial Judge has also found that the dispute was a simple money dispute, and there was no element of criminality in the allegation made in the petition. Challenging the same, present petition has been filed.

3.The learned counsel re-iterated the submissions made in the petition filed under Section 156(3) of Cr.P.C., and the learned counsel for the second respondent supported the impugned order.

4.The learned Government Advocate Criminal Side also submitted that after proper enquiry the C.S.R.No.518 of 2023 was closed with finding that the dispute is civil in nature.

5.This Court considered the rival submissions made by the learned counsel appearing for the petitioner as well as the respondent and perused the materials available on record.

6.This Court perused the complaint and also impugned order. In the complaint, the petitioner admitted the receipt of the amount of Rs.4,50,000/- and also admitted that he failed to repay the amount. He also further admitted

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he leased out his two cars for daily rent of Rs.1,000/-. In the event of failure to return the car and the rent, his remedy is to file appropriate suit. The allegation that the petitioner demanded exorbitant interest also in the special circumstances of this case as rightly observed by the learned trial Judge is not believable one. Further, there was no evidence adduced to prove that the petitioner attempted to sell his car without his signature in transfer forms and original R.C.Book. Therefore, the learned trial Judge correctly dismissed the petition by holding that there was no ingredients on record to constitute the offence under Section 406, 420 and 506(i) of IPC.

7.Hence, this Court finds no merit in the petition. Accordingly, this Criminal Revision Case stands dismissed. The order passed in Crl.M.P.No. 3598 of 2023, dated 11.08.2023, on the file of the Judicial Magistrate No.IV, Madurai, is hereby confirmed.

04.04.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
sbm



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- 1.The learned Judicial Magistrate No.IV,
Madurai District.
- 2.The Inspector of Police,
Crime,
Subramaniapuram Police Station,
Madurai.
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.



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K.K.RAMAKRISHNAN, J.

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