



Crl.R.C.No.285 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.285 of 2025

Revathi

... Petitioner

..VS..

1. The State Rep.by its
Commissioner of Police,
Avadi Commissionerate,
Avadi, Chennai.
- 2.The Deputy Commissioner of Police,
Redhills, Chennai.
- 3.The Assistant Commissioner of Police,
Redhilss Police Station,
Redhills, Chennai.
4. The Inspector of Police,
Kattur Police Station,
Tiruvallur District.

... Respondents

Criminal Revision Case filed under Sections 438 read with 442 of BNSS, to set aside the order dated 09.12.2024 made in Crl.M.P.No.3593 of 2024 on the file of the Judicial Magistrate Court No.II, Ponneri, by allowing this Criminal Revision Case.



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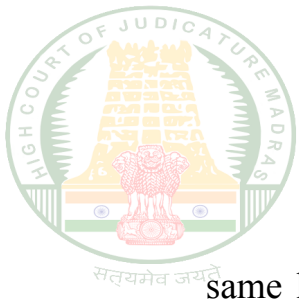
For Petitioner : Mr.V.Sambamurthy
for Mr.B.Govindha Prabhu

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been preferred seeking to set aside the order dated 09.12.2024 made in Crl.M.P.No.3593 of 2024 on the file of the Judicial Magistrate Court No.II, Ponneri.

2. The grievance of the petitioner is that based on the false promise given by one Manoj and his father late Kumar, the petitioner entrusted the money to the said persons to invest the same in their real estate business, for gaining share from the benefits. The said Manoj and Kumar had received a sum of Rs.13,60,500 and Rs.2,54,300/- respectively from the petitioner. After receiving the money from the petitioner, the said Manoj and Kumar, who were jointly doing the real estate business, gained more profits, but they did not give share to the petitioner. Hence, the petitioner has given a complaint to the respondents-Police, but the



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same has been kept in abeyance without any further action. Thus, the petitioner has filed a petition under Section 175(3) of BNSS before the learned Judicial Magistrate-II, Ponneri to direct the respondent to register the complaint. The learned Magistrate, after considering the materials, came to the conclusion that the allegations made in the complaint regarding money transactions are in civil in nature and hence, dismissed the petition and as against the said order, the present petition is filed.

3. Learned Additional Public Prosecutor appearing for the respondents-Police submitted that after thorough enquiry on the complaint of the petitioner, it was found that the entire allegations made in the complaint are civil in nature as the dispute between the parties pertains to money transactions and that the respondents-Police have filed a negative report under Section 175(3) BNSS Act before the Court below and an intimation was also given to the petitioner. Thereafter, the petitioner filed a protest petition in Crl.M.P.No.3593 of 2024 before the Judicial Magistrate-II, Ponneri. The learned Magistrate, after considering the submissions urged on behalf of the petitioner herein and also after



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considering the documents produced by the petitioner, dismissed the petition on the ground that since the allegations made in the complaint are civil in nature and the complaint has been given giving criminal colour to the civil dispute.

4. Heard both sides and perused the materials available on record.

5. On a perusal of the records, particularly complaint and other documents, it is seen that there was money transactions between the petitioner and the said Manoj and Kumar and they have paid a portion of the amount to the petitioner and there was dispute between them regarding further payment, the petitioner has given the complaint giving criminal colour to the civil dispute. The learned Magistrate, after appreciating the entire materials, rightly dismissed the petition. Therefore, this Court does not find any perversity in the impugned order dated 09.12.2024 in Crl.M.P.No.3593 of 2024 and hence, this petition is liable to be dismissed.



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6. Accordingly, this Criminal Revision Petition is dismissed.

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Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
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To

1. The Judicial Magistrate - II,
Ponneri.
2. The Commissioner of Police,
Avadi Commissionerate,
Avadi, Chennai.
3. The Deputy Commissioner of Police,
Redhills, Chennai.
4. The Assistant Commissioner of Police,
Redhilss Police Station,
Redhills, Chennai.
5. The Inspector of Police,
Kattur Police Station,
Tiruvallur District.
6. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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