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CRL RC No. 367 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 367 of 2025

1. M/s. Vimulan Global Private Limited,
Rep By Its Authorised Representative,
Mrs. R.Lalitha,
W/o. T.V.Radhakrishnan,
Office At No.9, 2nd Floor, 3rd Avenue,
Indra Nagar, Adyar, Chennai-600020.

Petitioner(s)

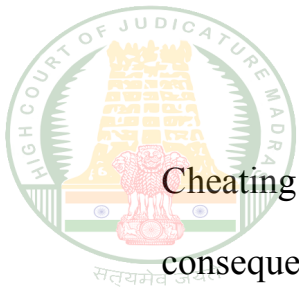
Vs

1. The Inspector Of Police,
Central Crime Branch-2,
EDF-III, Beta-6, Vepery,
Chennai-600007.

Respondent(s)

PRAYER

This Criminal Revision Petition is filed under Section 397 read with 401 of Cr.P.C., to set aside the order dated 04.12.2024, passed in Criminal M.P.No.64246 of 2024 in CNR.No.TNCHOF-086728-2024, by the Metropolitan Magistrate, For Exclusive Trial of CCB Cases (Relating to



Cheating Cases in Chennai) and CBCID Cases, Egmore, Chennai-08 and consequently to direct the respondent-Police to register an FIR with regard to petitioner's complaint dated 04.09.2024.

For Petitioner(s): Mr.R.John Sathyan,
Senior Advocate
For M/s. Meiyappan M.

For Respondent(s): Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order dated 04.12.2024, passed in CrI.M.P.No.64246 of 2024 by the learned Metropolitan Magistrate, Metropolitan Magistrate Court for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Cases, Egmore, Chennai-08 and consequently to direct the respondent-Police to register an FIR with regard to petitioner's complaint dated 04.09.2024.

2. The petitioner, who is the de-facto complainant lodged a complaint as against the accused before the respondent-Police. Since the respondent-Police did not take action against him, she filed a petition under Section 156(3) Cr.P.C.,



in Crl.M.P.No.64246 of 2024 before the learned Metropolitan Magistrate

seeking direction to the respondent-Police to register a case and to investigate

the matter. However, the learned Metropolitan Magistrate, vide impugned order

04.12.2024, dismissed the petition filed by the defacto-complainant.

Challenging the same, the complainant has filed this criminal revision petition.

3. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

4. The learned Senior Counsel appearing for the petitioner submitted that the accused cheated the petitioner/Company by misusing his capacity in the legal entities namely Nacof & Nacof Oorja. Further, the accused has made false promise and misrepresentation from the inception of business proposal meeting under the pretext of inducting the petitioner/Company as a Consortium partner. Believing the same, the petitioner/Company has paid Rs.10.04 Crore to the accused/Company towards Earnest Money Deposit and the same was misappropriated by the accused. Hence, the petitioner-company lodged a complaint as against the accused before the respondent-Police. Even without



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making proper enquiry and conducting investigation, the respondent-Police simply closed the petitioner's complaint. Hence, the petitioner filed a petition in Crl.M.P.No.64246 of 2024 before the learned Metropolitan Magistrate seeking direction to the respondent-police to register a case. The learned Magistrate failed to consider the main allegations levelled against the accused and the ingredients of the offences, and simply dismissed the petition. Aggrieved by the same, the petitioner is before this Court.

5. The learned Additional Public Prosecutor appearing for the respondent-Police submitted that the dispute between the parties is related to business investment. The petitioner has entered into a Memorandum of Understanding and invested Rs.10.04 Crore in the accused/Company. As per the agreement entered into between the parties, if any dispute arises between them, it should only be resolved before the Arbitrator, New Delhi. The dispute between the parties is with regard to breach of contract, which is civil in nature. He further submitted that even the petitioner/de-facto complainant made submission before the respondent-Police that they did not want to proceed with the complaint further and they will approach the Civil Court. Based on the submission made

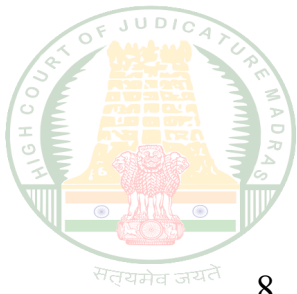


by the petitioner and also considering the materials available, the respondent-

Police finds that the dispute between the parties is only civil in nature and closed the complaint. The learned Magistrate also, considering the facts, rightly dismissed the petitioner's petition. There is no merit in the revision petition and the same is liable to be dismissed.

6. On a reading of the petitioner's complaint and also the closure report filed by the respondent-Police, it is seen that the petitioner had entered into a Memorandum of Understanding with the accused/Company. Later, for one reason or the other, since the accused did not execute/fulfil the terms of the contract, the petitioner came to know that the accused/Company forged the document in the name of the company and cheated the petitioner. Hence, the petitioner lodged a complaint before the respondent-Police.

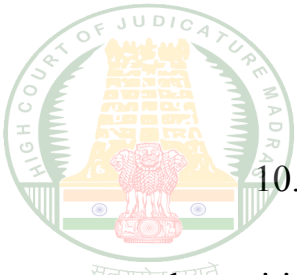
7. It is also seen from the records that the petitioner has not lodged the complaint immediately soon after coming to know of the fact that the accused had committed forgery. Out of Rs.10.04 Crores, the petitioner has received part payment of Rs.3 crores. Subsequently, since the petitioner could not collect the balance amount, they approached the Police.



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8. The dispute between the parties is with regard to contractual liability and also breach of contract. The petitioner admitted that the petitioner and the accused have entered into Memorandum of Understanding and as per the terms of Memorandum of Understanding, arbitration clause is available in the said Memorandum of Understanding and Article-9 relating to the Dispute Resolution, states that if any dispute arises between the parties, they can resolve the dispute before the Arbitrator, New Delhi. Since the petitioner could not succeed in recovering money from the accused, first, they approached the respondent-Police and then the trial Court, more so, The dispute between the parties is civil in nature. The petitioner has not approached this Court with clean hands with the only intention to recover the money from the accused.

9. Under the above facts and circumstances of the case, this Court does not find any compelling reasons to interfere with the impugned order passed by the Metropolitan Magistrate. There is no merit in the revision petition and the same is liable to be dismissed.



10. Accordingly, this Criminal Revision Petition is dismissed. However,
the petitioner is at liberty to workout her remedy in the manner known to law.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Metropolitan Magistrate,
Metropolitan Magistrate Court of CCB & CBCID Metro Cases
at Egmore, Chennai- 600 008.

2. The Inspector Of Police,
Central Crime Branch-2,
EDF-III, Beta-6, Vepery,
Chennai-600007.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J

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