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CRL RC No. 475 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 475 of 2025

1. K.Vidyasagar
S/o.N.Kuppusamy,
No.6/2, LIC Officers Quarters,
Sar-ap-petra Salai, K.K.Nagar,
Chennai-600 078.

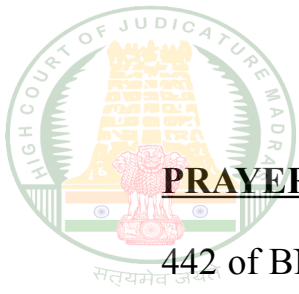
Petitioner(s)

Vs

1. The State Rep By,
The Inspector Of Police,
Peerkkankaranai Police Station,
Chennai-600 063.

2.G.Jegajothi
S/o.Gnanaprakasam,
No.13/4, Main Street, Srinivasa Nagar,
New Perungalathur, Chennai-600 063.

Respondent(s)



PRAYER: This Criminal Revision Petition filed under Section 438 read with 442 of BNSS to set aside the order dated 28.11.2024 passed in Crl.M.P.No.1626 of 2024 by the learned Judicial Magistrate No.1, Tambaram to register the complaint under Section 175(3) of BNSS 2023 filed by the petitioner.

For Petitioner(s): Mr. V.Maharajan

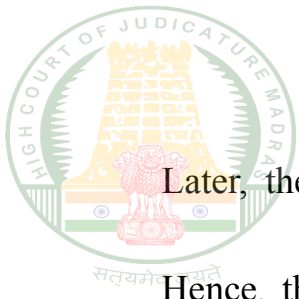
For Respondent(s): Additional Public Prosecutor
For R1

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 28.11.2024 passed in Crl.M.P.No.1626 of 2024 by the learned Judicial Magistrate No.1, Tambaram with regard to registration of the petitioner's complaint.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent-Police and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the second respondent without having any right or title over the property, he entered into an agreement as if he is the owner of the property and received money from him.



Later, the petitioner came to know that the second respondent cheated him.

Hence, the petitioner preferred a complaint as against the second respondent

before the first respondent police and the same was taken on file in CSR No.84

of 2023. Since the Police has not taken any action on the petitioner's

complaint, he filed a complaint under Section 175(3) of BNSS, 2023, in CMP

No.1626 of 2024 before the jurisdictional Magistrate, namely, the learned

Judicial Magistrate No.I, Tambaram. The learned Magistrate failed to consider

the fact that the second respondent cheated the petitioner, dismissed the petition

on the ground that the dispute between the parties is civil in nature that the

petitioner has given criminal colour to the civil dispute. Aggrieved by the order

passed by the learned Magistrate, the petitioner has filed this criminal revision

petition.

4. On a reading of materials, it is seen that the petitioner admitted the

agreement which was entered into between him and second respondent. A

prudent man before entering into an agreement, he has to verify as to whether

the person with whom he entered into agreement is the owner of the property or

power agent/power of attorney/ authorized agent of the property. In this case,



after entering into the agreement with the second respondent, the petitioner has lodged complaint against him. The cause of action is arising out of the

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agreement entered into between the parties. It is cross-negligence on the part of the petitioner. The learned Magistrate rightly dismissed the petition. If the second respondent has any right or interest over the property and he failed to execute the agreement, the petitioner has to file a suit either for specific performance or for recovery of money before the civil court. This Court does not find any reason to interfere with the order passed by the learned Magistrate.

5. In view of the same, the Criminal Revision Petition is dismissed.

However, the petitioner is at liberty to workout his remedy in the manner known to law before the competent forum.

25-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate No.1, Tambaram

2. The Inspector Of Police,
Peerkkankaranai Police Station,
Chennai-600 063.

3. The Public Prosecutor, High Court,
Chennai



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P.VELMURUGAN J.

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