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Crl.R.C.No.472 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.472 of 2025

Ahmad Rashith Ballimeera

... Petitioner

..vs..

Shanmugam

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 of BNSS, 2023, to call for the records of the impugned dismissal order in Crl.M.P.No.5827 of 2024, dated 17.12.2024 passed by the Judicial Magistrate, Gudiyatham in order to set aside the same.

For Petitioner : Mr.M.Ramalingam

ORDER

This Criminal Revision Petition has been filed to set aside the impugned dismissal order dated 17.12.2024 passed in Crl.M.P.No.5827 of 2024, by the learned Judicial Magistrate, Gudiyatham.



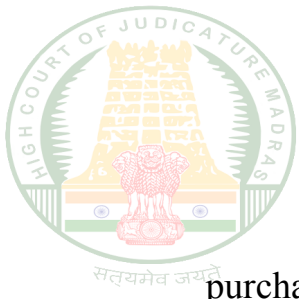
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2. According to the petitioner, in the year 2016, the respondent-accused has purchased leather worth about Rs.1,71,00,000/- on credit from the petitioner-complainant. Despite repeated demands, the respondent failed to make any payment to the petitioner. While that being so, on 26.10.2024 at 6.00 p.m., when the petitioner-complainant met the respondent-accused and demanded repayment of the money, the accused allegedly refused to pay the same and abused the petitioner in filthy language and also threatened the complainant. Hence, the petitioner filed a complaint before the first respondent. Since no action was forthcoming, the petitioner filed a complaint under Section 175(4) BNSS, 2023. However, the learned Magistrate failed to consider the serious nature of the allegations made in the complaint and simply dismissed the petition on 17.12.2024.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The main contention of the petitioner is that the respondent had



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purchased leather from him on credit basis, but he did not repay the amount and also criminally intimidated the petitioner. However, the petitioner has not cited any eye witnesses or circumstances witnesses, those who have seen or heard about the said criminal intimidation and he failed to prove the criminal intimidation. Further, it is seen from the records, particularly complaint, that there was business transactions between the petitioner and the respondent and as the petitioner was not succeeded in getting his money back, he has given a criminal colour to a civil dispute.

5. Considering the facts and circumstances and also considering the nature of allegation, this Court does not find any perversity or illegality in the order of the Court below. As there is no merit in the revision, the same is liable to be dismissed. It is open to the petitioner to work out his remedy in the manner known to law.



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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 Citation Case : Yes/No
ms

To
The Judicial Magistrate,
Gudiyatham.



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P.VELMURUGAN, J.

ms

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