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Crl.R.C.No.491 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 491 of 2025

Syed Ahamed

... Petitioner

..VS..

State Rep.by
The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai – 600 118.

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 26.06.2024 made in M.P.No.33476 of 2024 by the X Metropolitan Magistrate, Egmore, Chennai and direct the respondent Police to register the FIR based on the complaint dated 30.10.2023.

For Petitioner	:	Mr.V.B.Krishna Kumar
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been preferred against the order dated 26.06.2024 made in Crl.M.P.No.33476 of 2024 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai.

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2. According to the petitioner, he entered into a lease agreement with one Thirumalai and paid a sum of Rs.3,00,000/- as lease amount. After completion of the lease period, the petitioner approached the said Thirumalai and informed him that he is going to vacate the house and demanded the repayment of the lease amount. However, the said Thirumalai did not return the said lease amount and also house hold articles of the petitioner, which were kept in the said house and also given life threat to the petitioner. Hence the petitioner preferred a complaint on 28.10.2023 before the respondent-Police *vide* CSR No.1877 of 2023 and the respondent-Police also conducted an enquiry. At the time of enquiry, the alleged accused promised the petitioner to return the lease amount, but till date he never repaid the said amount and the respondent-Police have also not taken any further steps to register FIR against the said Thirumalai. Hence, the petitioner preferred a private complaint under Section 156(3) Cr.P.C., seeking a direction to register the F.I.R. The learned Magistrate, failed to consider the nature of allegations made in the complaint and simply dismissed the petition. Aggrieved by the same, the present revision petition has been filed by the



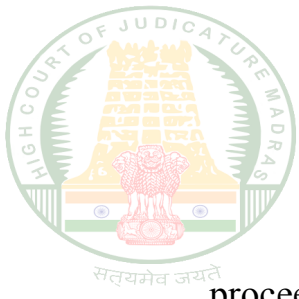
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petitioner.
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3. Learned Additional Public Prosecutor appearing for the respondent-Police, on instructions, submitted that pending investigation of the petitioner's complaint, the petitioner and the said Thirumalai have entered into a compromise and the petitioner/complainant himself given an undertaking 'not to proceed with the case further', as they have settled the matter and that the respondent-Police did not take any steps to register the complaint. Subsequently, the petitioner filed a complaint invoking Section 156(3) Cr.P.C. The learned Magistrate after appreciating the entire materials, found that the transaction between the parties is purely civil in nature which does not make out any *prima facie* ground for criminal offence and dismissed the petition on 26.06.2024.

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

5. On a perusal of the entire materials and taking note of the submission made by the learned Additional Public Prosecutor, it is seen that pending investigation, both the parties have entered into compromise and the petitioner himself had given an undertaking 'not to



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proceed with the case further' against the alleged accused. Subsequently, since the said Thirumalai has not repaid the said lease amount, the petitioner preferred a private complaint. Once the parties have entered into an agreement pending investigation, if any one of the parties found non compliance of the terms of the agreement, the aggrieved party can very well approach the civil Court for getting appropriate remedy.

6. Considering the facts and circumstances and also considering the submissions of both sides, this Court is of the view that the learned Magistrate has rightly appreciated the entire materials and dismissed the petition and this Court does not find any merit in the revision and the same is liable to be dismissed.

7. Accordingly, this Criminal Revision Petition is dismissed. It is open to the petitioner to approach the Civil Court to work out his remedy in the manner known to law.

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

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai – 600 118.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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