

Crl.R.C.(MD).No.1135 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17.03.2025

PRONOUNCED ON : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1135 of 2024

S.Sujithra ... Petitioner/Petitioner

Vs.

1.The Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanyakumari District. : Complainant

2.Murugan
3.Ajitha
4.Nagalatha
5.M.Tharani : Respondents/Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed in C.M.P.No.2972 of 2023 on the file of the Judicial Magistrate No.I, Kuzhithurai and to set aside the same.



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For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)
for R.1
: MrC.Sankar Prakash
for R.2 to R.5

ORDER

This Criminal Revision is directed against the order passed in C.M.P.No. 2972 of 2023, dated 29.02.2024, on the file of the Court of Judicial Magistrate No.I, Kuzhithurai, closing the complaint filed by the revision petitioner/defacto complainant.

2. Admittedly, the third respondent is the sister of the petitioner's husband, that the second respondent is the husband of the third respondent, that the fifth respondent is the daughter of the respondents 2 and 3 and the fourth respondent is the relative of the second respondent. It is not in dispute that the marriage between the petitioner and the third respondent's brother – S.V.Ajith was solemnised on 28.04.2013 and that the petitioner's husband was working in Saudi Arabia. The case of the petitioner/complainant is that the petitioner's parents had presented 50 sovereigns of gold jewels at the time of marriage, that



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the second respondent was conducting auction chits and the petitioner's husband had subscribed a chit to the value of Rs.2,00,000/- and the second respondent has to pay that amount, that the second respondent approached the petitioner informing that he sustained heavy loss in chit business and in order to develop his business, he was in need of money and requested the petitioner to advance some amounts, that the petitioner being the relative of the respondents and believing the sweet coated words of the second respondent, deposited a sum of Rs.2,00,000/- on 20.06.2014, Rs.2,00,000/- on 24.06.2014 and Rs.1,15,000/- on 15.07.2014 in the bank account of the fifth respondent as directed by the second respondent, that the petitioner also deposited a sum of Rs.41,000/- on 21.02.2024 in the bank account of the fourth respondent as per the request of the third respondent, that the second respondent borrowed a sum of Rs.5,56,000/- from the petitioner and assured that he will settle the entire amount of Rs.7,56,000/- which includes Rs.2,00,000/- due to the petitioner's husband in chit fund transaction, that since the second respondent neither settled the principle amount nor paid the interest as assured by them, the petitioner demanded to return the amounts, that the respondents subsequently assured that they will settle the amount by selling their property, that the petitioner came to know that they have sold their property and despite the same, they have not chosen to return the

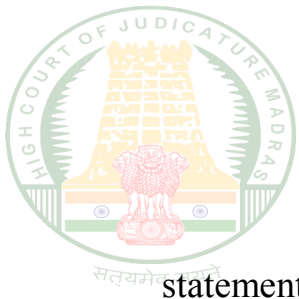


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amount, that the petitioner with no other option lodged a complaint with Marthandam Police Station on 19.09.2022, but the said police neither issued any receipt nor conducted any enquiry, that the petitioner has then sent a representation to the District Superintendent of Police, Nagercoil on 17.01.2023 and only thereafter, Marthandam police issued a receipt in CSR No.83 of 2023, that the private respondents committed offences punishable under Sections 294(b), 420 and 506(i) I.P.C., and that since the police has not taken any further action, the petitioner was constrained to file a petition under Section 156(3) Cr.P.C., before the jurisdictional Magistrate Court for registration of the case and for investigation.

3. The learned Judicial Magistrate, taking the petition filed under Section 156(3) Cr.P.C., on file in C.M.P.No.2972 of 2023 and by treating the said petition as a complaint under Section 200 Cr.P.C., proceeded with enquiry under Section 202 Cr.P.C. The learned Magistrate has recorded the sworn statement of the petitioner/complainant and also the statement of one Sujith, produced by the petitioner/complainant. The learned Magistrate has also called for a report from the jurisdictional police and in pursuance of the same, the first respondent police has submitted a report. The learned Magistrate, upon perusing the complaint,

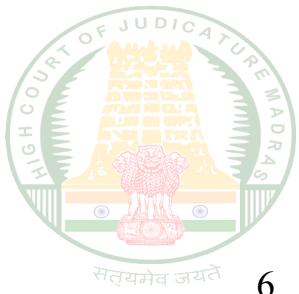


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statement of the witnesses and the report submitted by the first respondent police, has passed the impugned order dated 29.02.2024, by holding that there is absolutely no scope for taking further action against the respondents, accepting the report submitted by the police, closed the complaint. Aggrieved by the closure of the complaint, the present Criminal Revision came to be filed.

4. As rightly contended by the learned Government Advocate (Crl.Side), the learned Magistrate, after conducting enquiry under Section 202 Cr.P.c., should have either dismissed the complaint under Section 203 Cr.P.c., or should have issued the process for the accused under Section 204 Cr.P.C., and that the learned Magistrate in the present case instead of dismissing the complaint under Section 203 Cr.P.C., has ordered for the closure of the complaint.

5. The learned Counsel for the petitioner in his arguments would only reiterate the contentions raised in the complaint and further stated that though the petitioner has shown prima facie materials to proceed against the accused further, the learned Magistrate without considering the same in proper perspective has chosen to close the complaint and that therefore, the impugned order closing the complaint is legally unsustainable and the same is liable to be set aside.

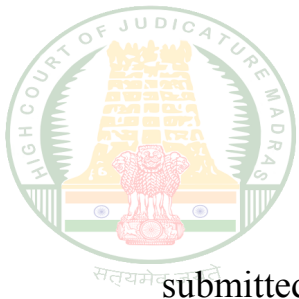


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6. The learned Counsel for the private respondents would submit that when the petitioner's husband was in abroad, she requested the second respondent to arrange a rental shop for running a mobile shop by her husband and the second respondent has taken a shop at Alexander press road for lease by giving Rs.4,00,000/- as advance and spent Rs.1,50,000/- for interior, that the respondents subsequently came to know that the petitioner's husband has cancelled the lease agreement and got the advance amount of Rs.4,00,000/- from the owner of the building, that the petitioner's husband is now working in a shop at Nagercoil, that the petitioner in order to take vengeance, lodged a false complaint after the lapse of 9 years and that the first respondent police after conducting enquiry has come to know that there existed money transaction dispute between the petitioner and the private respondents and filed a report as mistake of fact and that therefore, the impugned order closing the complaint is liable to be confirmed.

7. The learned Government Advocate (Crl.Side) would submit that the learned Magistrate after taking the petition on file, directed the first respondent police to conduct an enquiry and to submit the report and that in pursuance of the said direction, an enquiry was conducted and on that basis, a report came to be



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submitted before the learned Magistrate narrating what had happened so far between the parties and the way in which the petitioner has lodged a false complaint by suppressing the material facts and that the learned Magistrate, accepting the report of the first respondent police, has rightly dismissed the complaint.

8. The private respondents have produced the copies of two rental agreements dated 05.07.2014 and 18.03.2016 and it is evident from the said documents, both the rental agreements came to be cancelled. As rightly pointed by the learned Counsel for the private respondents, the first rental agreement dated 05.07.2014 was entered into between the building owner and the second respondent and the second rental agreement dated 18.03.2016 between the said owner of the building and the petitioner's husband Ajith and both rental agreements came to be cancelled. Though the petitioner has alleged that she had deposited the amount in the bank account of the fourth respondent and the third respondent, after informing the same to her husband and that the second respondent has to pay Rs.2,00,000/- to the petitioner's husband in respect of chit transactions, as rightly observed by the learned Magistrate, she has not chosen to examine her husband Ajith.



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9. As rightly pointed out by the learned Counsel for the private respondents, the petitioner's witness Sujith would admit that the petitioner's husband was running a mobile shop at Nagercoil and the said shop was not available at the time of his giving statement before the learned Magistrate. As already pointed out, the first respondent police after enquiry has submitted a report stating that there existed money transactions dispute between the parties and the petitioner by suppressing the same, has given a false complaint as if the private respondents had cheated her and caused criminal intimidation.

10. Considering the complaint, statement of witnesses, report of the police and other materials available on record, this Court has no hesitation to hold that the petitioner has been attempting to give money dispute a criminal colour and that therefore there is nothing to interfere with the reasoned order passed by the learned Magistrate.

11. As rightly contended by the learned counsel for the private respondents and the learned Government Advocate (Crl.Side), the order of the learned Magistrate is effectively one of dismissal under Section 203 Cr.P.C. and as such,



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the closure of the complaint, though not proper, on the ground that there was no scope for proceeding further, cannot be found fault with. Consequently, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

12. In the result, the Criminal Revision Case is dismissed.

09.04.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

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To

1. The Judicial Magistrate Court No.I, Kuzhithurai.
- 2.The Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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