

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2015

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.R.C. No. 508 of 2015

A.Naveen Galada

... Petitioner

Versus

1. Rishabraj Challani

2. Sheila Raju

3. State
represented by the Inspector of Police
Central Crime Branch - Team I
Vepery
Chennai.

... Respondents

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 02.03.2015 passed in Crl.M.P.No.745 of 2015 on the file of the learned Chief Metropolitan Magistrate, Egmore, and to direct the respondent police to register the complaint dated 04.07.2014 bearing Reference No.241/AC-CCB/EDF-1/PE/2014 and allow this revision petition considering the facts and circumstances of the case.

For Petitioner : Mr. V.S.Senthilkumar

For Respondent No.3 : Mr. T.Arul
Government Advocate (Crl.Side)

ORDER

The petitioner has come forward with this Criminal Revision Case seeking to set aside the order dated 02.03.2015 passed in Crl.M.P.No.745 of 2015 on the file of the learned Chief Metropolitan Magistrate, Egmore, and to direct the respondent police to register the complaint, dated 04.07.2014, bearing Reference No.241/AC-CCB/EDF-1/PE/2014.

2. According to the petitioner, the first respondent contacted the petitioner requesting to finance for the Central Government project to be done by the second respondent. On the basis of the documents produced, the petitioner gave a personal loan of Rs.19,00,000/- to the the second respondent, for which, her husband

stood as a guarantor. Subsequently, respondents 1 and 2 availed further loans. Respondents 1 and 2 were not prompt in repayment of the loan amount. When the petitioner repeatedly asked respondents 1 and 2 for repayment of the loan, respondents 1 and 2 were alleged to have threatened the petitioner. Aggrieved against the same, the petitioner has preferred a complaint before the Commissioner of Police on 04.07.2014. The same was forwarded to the third respondent to conduct an enquiry, but, the third respondent has kept the complaint pending. Being aggrieved against the same, the petitioner has approached this Court by filing Crl.O.P.No.20400 of 2014 seeking a direction to register the complaint. This Court on finding that the petition enquiry was conducted and the complaint was closed without going into the serious allegations raised in the complaint, by order dated 01.08.2014 directed the third respondent to reopen the case and conduct an enquiry in the manner known to law. Thereafter, according to the petitioner, the third respondent has called the petitioner for enquiry many times and the petitioner has also produced all the relevant documents, still the third respondent police has not registered a case on the said complaint and hence, the petitioner has filed Crl.O.P.No.31550 of 2014 seeking to transfer the investigation. During arguments of the said case, based on the representation made by the learned Additional Public Prosecutor that the complaint was closed after due enquiry, the said Criminal Original Petition was dismissed on 02.12.2014, however, if the petitioner has got any grievance regarding the closure of the complaint, liberty is given to work out his remedy in the manner known to law. Thereafter, the petitioner has filed Crl.M.P.No.745 of 2015 before the learned Chief Metropolitan Magistrate, Egmore, seeking to direct the third respondent police to register the complaint dated 04.07.2014 and to direct the third respondent police to transfer the investigation to any other competent officer. On 02.03.2015, the learned Chief Metropolitan Magistrate, Egmore, has returned the petition. Aggrieved against the same, the petitioner has filed the present Criminal Revision Case.

3. Today, when the matter is taken up, Mr.V.S.Senthilkumar, learned counsel appearing for the petitioner submitted that the petition has been returned twice, inspite of the explanation offered by the petitioner and hence, the petitioner has come forward with this Criminal Revision Case.

4. Mr.T.Arul, learned Government Advocate (Criminal Side) pointed out that the revision itself is not maintainable at this stage, as there is no order of rejection, but, it is a simplicitor return of the petition and therefore, it is open for the petitioner still to comply with the return and represent the petition thereafter.

5. Heard both sides. By consent, the main Criminal Revision Case is taken up for final disposal at the stage of admission itself.

6. It is needless to mention that only as against an order of rejection, a revision will lie. In this case, on a perusal of the impugned order, it is seen that the impugned order is not the order of rejection, but, it is only a simplicitor return of the petition. The learned Chief Metropolitan Magistrate, Egmore, while returning the petition, pointed out that earlier the petitioner has filed CrI.O.P.No.31550 of 2014 seeking to transfer the complaint, but, the said petition was dismissed by order dated 02.12.2014 on finding that after due enquiry the complaint was closed. The learned Magistrate has further pointed out that in the order of this Court dated 02.12.2014, the learned Judge has further observed that if the petitioner has got any grievance regarding the closure of the complaint, liberty is given to work out his remedy in the manner known to law. Pointing out to the above, the learned Chief Metropolitan Magistrate, Egmore, in the impugned order dated 02.03.2015, has stated that as per the order of this Court, the petitioner is entitled to file the complaint under Section 200 Cr.P.C. and not under Section 156(3) of Cr.P.C. and hence, returned the petition, for which, the petitioner neither offered his explanation nor complied with the return. Therefore, as rightly pointed out by the learned Government Advocate, the revision at this stage is not maintainable. Hence, without making any observation, this Criminal Revision Case is dismissed as not maintainable at this stage. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Inspector of Police
Central Crime Branch - Team I
Vepery
Chennai.
2. The Chief Metropolitan Magistrate,
Egmore.

+1cc to Mr.V.S.Senthil Kumar, Advocate, S.R.No.26600

CrI.R.C. No.508 of 2015

LRS (CO)
CA(10/06/2015)