

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2028 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners-Accused against the orders dated 13.8.2015 passed in CFR No.1158 of 2015 by the Judicial First Class Magistrate, Rajampet, Kadapa District forwarding the complaint to the Station House Officer, Mannuru Police Station, Rajampet Mandal, under Section 156(3) Cr.P.C.

2. Heard and perused the material available on record.

3. A private complaint was filed against the petitioners for the offence punishable under Sections 420, 406 & 452 IPC, praying to forward the complaint to the Station House Officer, Mannur under Section 156(3) Cr.P.C. The learned Magistrate forwarded the complaint under Section 156(3) Cr.P.C. to the police concerned. Aggrieved by the same, the accused filed this revision.

4. Learned Counsel for the petitioners contended that the allegations made in the complaint are civil in nature but the learned Magistrate referred the matter to the police to register FIR, without any application of mind and without following the procedure and law laid down by the Supreme Court in **Priyanka Srivastava & Another Vs. State of U.P. & Others.**

5. It is pertinent to note that while exercising power under Section 156(3) Cr.P.C. the Magistrate has to examine the nature of the allegations made in the complaint. It is the grievance of the petitioners that the learned Magistrate has forwarded the complaint without examining the contents of the complaint and without recording reasons which necessitate such investigation by the police in the matter.

6. It is alleged in the complaint that A1 and A2 were doing real estate business and

they used to take money from the complainant for their business. In the year 2013, A1 took loan of two lakhs from the complainant for the purpose of his business and failed to repay the same. When the complainant went to the house of A1 to demand repayment of amount due to him, A1 abused him and proclaimed that he will not pay the amount.

7. After going through the allegations made in the complaint, this Court is of the view that there is some force in the contentions raised by the learned Counsel for the petitioners. Therefore, the order dated 13.8.2015, under which the complaint was forwarded to the police under Section 156(3) Cr.P.C. is set aside, while maintaining the complaint filed by the 2nd respondent-complainant. The FIR registered consequent to the order under revision is hereby quashed. The learned Magistrate is directed to pass appropriate orders on the complaint filed by the 2nd respondent in accordance with law.

8. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 23.9.2015

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HONOURABLE SRI JUSTICE RAJA ELANGO

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