

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.121 of 2017

N.Udhayakumari
W/o.Dhanasekar

.. Petitioner

vs.

State represented by its

1.Commissioner of Police,
Vepery, Chennai - 8.

2.The Inspector of Police,
Central Crime Branch,
EDF Team - 3,
Chennai - 8.

.. Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned Metropolitan Magistrate, For Exclusive Trial of CCB Cases (relating to cheating cases in Chennai and CBCID Metro Cases), Chennai, passed in Crl.M.P.No.624 of 2016 on 04.11.2016.

For Petitioner : Mr.C.V.Kumar

For Respondents : Mr.M.Mohammed Riyaz,
Government Advocate [Crl.side]

ORDER

This revision arises against the order of learned Metropolitan Magistrate, For Exclusive Trial of CCB Cases (relating to cheating cases in Chennai and CBCID Metro Cases), Chennai, passed in Crl.M.P.No.624 of 2016 on 04.11.2016.

2. Petitioner moved Crl.M.P.No.624 of 2016 seeking a direction u/s.156(3) Cr.P.C. to respondents to register a case on his complaint dated 11.03.2016. The case of the petitioner is that one Gopal has borrowed a sum of Rs.16,00,000/- from him and undertook to repay the same within a stipulated time. Besides defaulting in return of money, the said Gopal and his family members along with rowdy elements, threatened the petitioner. Alleging inaction on the part of respondents, petitioner moved the petition seeking a direction u/s.156(3) Cr.P.C. Court below, under the impugned order, dismissed such petition, giving rise to this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. In dismissing the petition, the Court below has informed thus:

“23. In the light of the above, it is further clear that the

petitioner ought to have approached the local territorial Jurisdictional Magistrate Court to order the Officer-in-charge of a Police Station that falls within his territorial jurisdiction to investigate the alleged offence under Section 156(3) Cr.P.C. after complying the mandatory procedures laid down for the same. On the other hand, the present petition seeking direction under Section 156(3) Cr.P.C. before this Court, which has been constituted for the exclusive trial of CCB cases (relating to cheating cases) and CBCID Metro cases, is not maintainable.

24. Moreover, the petitioner has not filed any affidavit to support the petition and thereby, the petitioner failed to comply with the directions issued by the Hon'ble Supreme Court in the matter of Priyanka Srivastava case wherein it was directed that all applications under Section 156(3) of the Cr.P.C. are required to be supported with an affidavit of the complainant before entertaining the same.”

Finding no error in the order of the Court below, this Court dismisses the Criminal Revision Case. It will be open to the petitioner to move the appropriate Magistrate, if such a course is considered appropriate.

07.02.2017

Index:yes/no
Internet:yes
gm

C.T. SELVAM, J

gm

To

- 1.The Commissioner of Police,
Vepery, Chennai - 8.
- 2.The Inspector of Police,
Central Crime Branch,
EDF Team - 3,
Chennai - 8.
- 3.The Public Prosecutor,
High Court, Madras.

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