

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.Nos.3725 and 3726 of 2017

C.P.Sunil Raj ... Petitioner in both the petitions

Vs

The State rep. by
the Inspector of Police,
Central Crime Branch, Vepery,
Chennai - 600 007. ... Respondent in both the petitions

Crl.OP.No.3725/2017: Petition filed under Section 482 Cr.P.C. to set aside the return endorsement made on learned Chief Metropolitan Magistrate, Egmore and direct the respondent, the State represented by the Inspector of Police, Central Crime Branch, Vepery, Chennai - 600 007 to register a First Information Report under Sections 406, 420 and 506 of the Indian Penal Code for the complaint dated 08.06.2016 and to investigate into the offences and file a final report.

Crl.OP.No.3726/2017: Petition filed under Section 482 Cr.P.C. to set aside the order of the learned Chief Metropolitan Magistrate, CCB Cases, Egmore and direct the respondent, the State represented by the Inspector of Police, Central Crime Branch, Vepery, Chennai - 600 007 to register a First Information Report under Sections 406, 420 and 506 of the Indian Penal Code for the complaint and order dated 07.10.2016 and to investigate into the offences and file a final report.

For Petitioner : Mr.S.Sivaraman

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

COMMON ORDER

The petitioner in both the petitions is one and the same. Challenging the endorsement in returning the complaint and the order dated 07.10.2016 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No.311 of 2016, the respective Criminal Original petitions have been filed before this Court.

2. It is the case of the petitioner that he is a financier and is lending financial loans to third parties. He

has filed two complaints against Zahir Hussain and S.Nazir respectively, under Section 156(3) Cr.P.C before the learned Chief Metropolitan Magistrate, Egmore, Chennai, seeking a direction to the Deputy Commissioner of Police, Central Crime Branch, Chennai to register the same and investigate the cases and file final report in accordance with law. One complaint was taken on file as CrI.MP.No.311 of 2016, which was, by order of the learned Magistrate dated 07.10.2016, rejected, as not maintainable. By an endorsement of the learned Magistrate dated 21.10.2016, the other complaint dated 08.06.2016 was returned to the petitioner, with a direction to file the same before the police having jurisdiction under Section 154 Cr.P.C. Aggrieved over the same, the petitioner is before this Court with the present petitions.

3. According to the learned Additional Public Prosecutor appearing for the respondent, instead of approaching the Jurisdictional Court concerned, the petitioner has filed the petitions before some other Court i.e., Chief Metropolitan Magistrate Court, Egmore, Chennai.

4. In view of the submission so made by the learned Additional Public Prosecutor, the petitioner is permitted to file the complaints afresh before the Jurisdictional Court and on filing of such complaints, the Court concerned shall take the same on file and proceed further on merits and in accordance with law.

5. Both the criminal original petitions are disposed of accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Chief Metropolitan Magistrate, Egmore, Chennai.

2.The Inspector of Police, Central Crime Branch,
Vepery, Chennai - 600 007.

3.The Public Prosecutor, High Court, Madras.

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