

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CRL.R.C.No.913 of 2011

E.P.Parthasarathy

... Petitioner

Vs.

State by

Inspector of Police,

Team XXI,

Central Crime Branch,

Egmore, Chennai - 600 008

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure Code against the order of dismissal dated 21.05.2009 made in Crl.M.P.No.2209 of 2008 in X.Cr.No.656 of 2007 passed by the XI Metropolitan Magistrate, Saidapet, Chennai- 600 015

For Petitioner : Mr. S.Senthilnathan

For respondent : Mrs. M.F.Shabana,

Gov. Advocate (Crl. Side)

O R D E R

The Criminal revision has been filed challenging the order of dismissal passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai, in the protest petition filed by the petitioner.

2. The revision petitioner is the defacto complaint. He has given a complaint against one Balakrishnan, who is a Managing Trustee of Sri Prasanna Venkata Narashima Perumal Temple, Saidapet, Chennai. Since, the complaint given by the petitioner against the above said trustee has not been registered, the petitioner filed a petition in Crl.O.P.No.22624 of 2007 before this Court. This Court by an order dated 10.09.2007 directed the respondent police to register the complaint, and thereafter crime has been registered. After

investigation, final report has been filed referring it as mistake of fact. After receipt of the final report, a notice has been issued to the defacto complainant/petitioner, and he had filed a protest petition. After considering the petition, the court below dismissed the protest petition filed by the defacto complainant/petitioner. Aggrieved over the same, the present revision has been filed.

3. The learned counsel for the petitioner would submit that the respondent police has not conducted any proper investigation and has not examined any witness. The receipts produced by the petitioner has also not been properly investigated by the respondent police. The court below also without considering the protest petition filed by the petitioner, dismissed the petition.

4. Per contra, the learned Government Advocate, appearing for the respondent would submit that the police has investigated the complaint thoroughly and also examined the shop owners with regard to collection of rent alleged to have been collected by said Balakrishnan. Since no prima facie case has been made out, the complaint has been closed.

5. I have heard Mr. S.Senthilanathan, learned counsel appearing for the petitioner and Mrs.M.F.Shabana, Government Advocate, appearing for the respondent.

6. On perusal of the records, it is seen that the complaint of the petitioner has been investigated by the respondent police, and the respondent police has examined all the shop owners from whom the rents and donations were alleged to have been collected by the said Balakrishnan. After investigation, the police came to a conclusion that there is no prima facie case has made out and filed the final report referring it as a mistake of fact. After elaborately considering the protest petition filed by the petitioner, the court below came to a conclusion that there is no material available to proceed against the accused in this case. I have carefully considered the rival submissions and perused the records carefully and I find no illegality or irregularity in the order passed by the court-below and there is no merit in the present revision. Accordingly, the Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai- 600 015

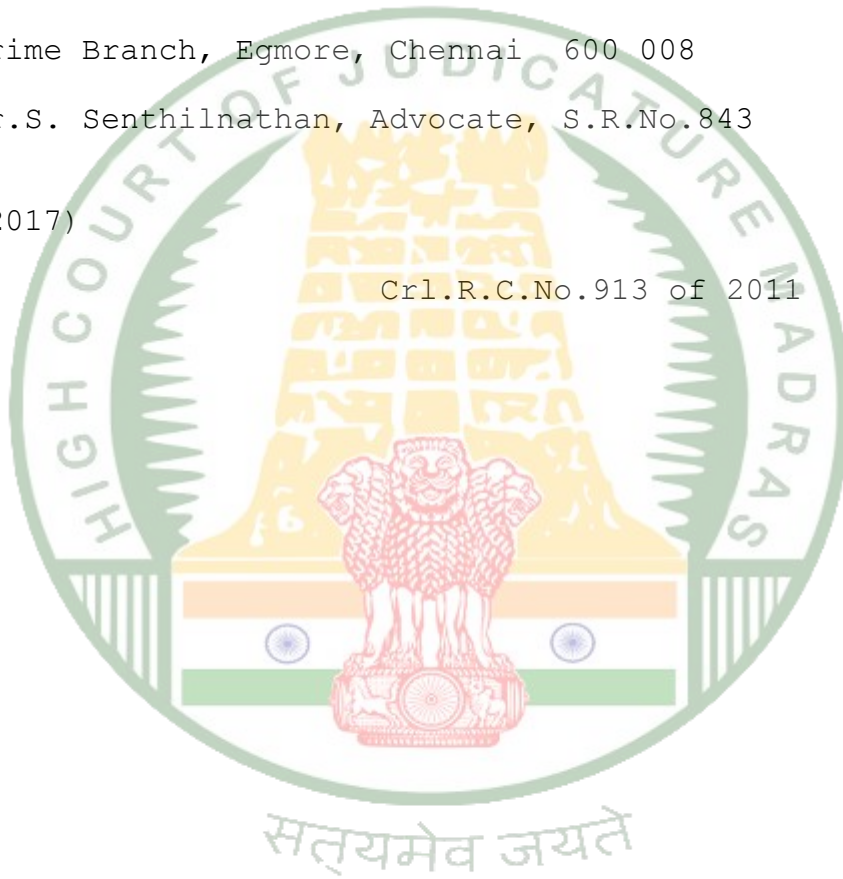
2. The Public Prosecutor,
High Court, Madras.

3 The Inspector of Police
Team XXI
Central Crime Branch, Egmore, Chennai 600 008

+1cc to Mr.S. Senthilnathan, Advocate, S.R.No.843

ad(CO)
md(06/02/2017)

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