

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 18.06.2018
Orders Pronounced on: 10.07.2018

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.RC.No. 685 of 2018

S.Diwakar

... Petitioner

Versus

The Joint Commissioner of Police,
Chennai North Zone,
Office of the Joint Commissioner of Police,
At Old Commissioner Office Campus,
Egmore, Chennai - 600 008.

... Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C, prayed to set aside the order dated 22.05.2018 in Crl.MP.No.3125/18 on the file of the Chief Metropolitan Magistrate Court, Egmore.

For Petitioner : Mr.S.Diwakar
Party-in-Person
For Respondent : Mr.R.Surya Prakash,
Government Advocate.

ORDER

This Criminal revision petition has been filed against the order dated 22nd May 2018 made in Crl.MP.No.3125 of 2018 on the file of the Chief Metropolitan Magistrate Court at Egmore, Chennai.

2. The petitioner herein, who is the defacto complainant, has filed the above Crl.MP.No.3125 of 2018 for a direction to register the FIR and investigate the case under Section 156 (3) r/w 190 of Cr.P.C.

3. After going through the papers and after hearing the counsel for both sides, the Court below has come to the conclusion that the contention of the petitioner does not disclose any cognizable offence and such an application has to be nipped in the bud. While so, the court below refused to exercise it's discretionary power conferred under Section 156 (3) of Code of Criminal Procedure to issue a direction to the

respondent police to register a case on the basis of the complaint given by the petitioner. Aggrieved by the same, the present Criminal Revision Case is filed.

4. The petitioner in person drawn the attention of Rajasthan High Court to the decision rendered in Suresh Chand Vs. State of Rajasthan & Others reported in 2013 Criminal Law Journal 3386 to contend that the Court below failed to exercise it's discretionary power and it had caused prejudice to him.

5. After hearing the petitioner in person at length and after perusing the documents filed in the typed set of papers. I find that no reason to differ with the view taken by the learned Chief Metropolitan Magistrate, Egmore, Chennai. On perusal of the complaint given by the petitioner, this Court finds that there is no cognizable offence made out in the complaint warranting issuing a direction to the respondent to register a case. Accordingly, I find the order passed by the Chief Metropolitan Magistrate, Chennai, does not suffer from any irregularity and illegality warranting interference.

6. In view of the above, the order passed by the Chief Metropolitan Magistrate, Egmore, Chennai refusing to issue a direction to the respondent to register a complaint under Section 156 (3) of Cr.P.C. stands confirmed. The Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

TO

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Joint Commissioner of Police,
Chennai North Zone,
Office of the Joint Commissioner Office Campus,
Egmore, Chennai-8.

+lcc to Mr.S.Diwakar, party in person SR.No.45032

Cr1.RC.No.685 of 2018

GN(12/07/2018)