

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.482 of 2014

and

M.P.No.1 of 2014

1.Jaisingh

2.Nanthini

... Petitioners/A-2 & A-

Vs

K.S.Peer Hussain @

K.Syed Peerullah Husainey

... Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, to call for the records and set aside the order in Crl.M.P.No.1083 of 2014 by order dated 27.02.2014 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioners : Mr.P.Kumaresan

For Respondent : No Appearance

O R D E R

The Revision has been filed to set aside the order passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.1083 of 2014 dated 27.02.2014.

2.The case of the revision petitioners is that the respondent filed a complaint against the revision petitioners and one Srinivasan. The respondent filed a private complaint under Section 200 Cr.P.C., before the Chief Metropolitan Magistrate, Chennai, to take action against the revision petitioners and one Srinivasan. The Magistrate, after recording statements and perused the records, directed the Inspector of Police, Central Crime Branch, Team III, EDF II, Vepery, Chennai, to register a FIR and to investigate the matter.

3. Against the said order passed by the Metropolitan Magistrate dated 27.02.2014, in CrI.M.P.No.1083/2014, the present revision has been preferred by the revision petitioners/A-2 and A-3.

4. The learned counsel for the petitioners would submit that these petitioners are only Inspector of Police and Sub Inspector of Police respectively. There is no prima-facie case made out against these petitioners, they have done their duty in the official capacity. Further, the learned Magistrate without verifying the veracity of the complaint, failed to verify the provisions under Sections 167 and 420 of IPC and simply directed the police to register the FIR against the revision petitioners also.

5. The revision petitioners are only the police officials, while they were in official duty, there is no prima facie case made out against these petitioners. Even assuming that while they are in official duty, any action has been taken by bonafide, they cannot be penalised or prosecuted. Therefore, the order passed by the Magistrate is liable to be dismissed.

6. Heard the learned counsel for the petitioners. Though notice has been served on the respondent and his name is printed in the cause list, none appeared on his behalf.

7. Perused the complaint filed by the respondent, against these petitioners and one Srinivasan before the Metropolitan Magistrate, this Court finds there are specific allegations levelled against these petitioners. Therefore, the Chief Metropolitan Magistrate, considering the allegations levelled in the complaint and the documents produced by them and found that prima-facie case has been made out against the revision petitioners and directed to the police concerned to register the FIR. At this stage, the Court has to see that the allegations levelled against the petitioners/accused but not the defence taken by them.

8. Under these circumstances, this Court finds that there is no merit in the revision and the revision filed by the petitioners is liable to be dismissed.

9. Accordingly, the revision petition stands dismissed.
Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

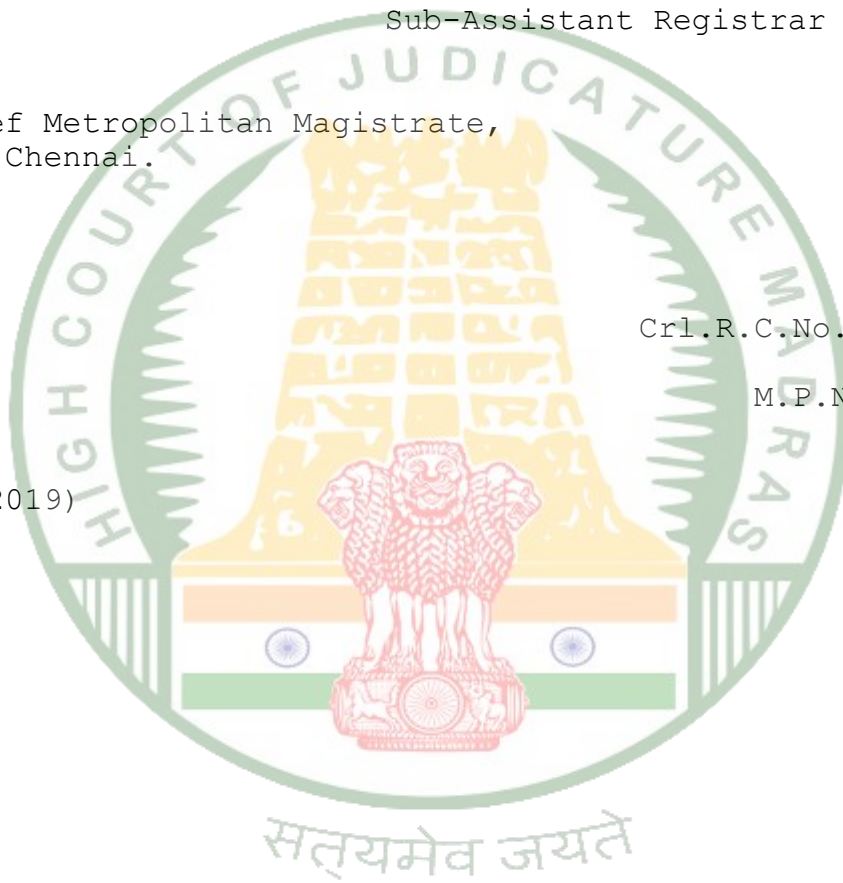
AT

To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.

Crl.R.C.No.482 of 2014
and
M.P.No.1 of 2014

KS (CO)
SP (25/07/2019)



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