

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.25 of 2021

N.Gokula Rao

... Petitioner

Versus

1. The Commissioner of Police (Greater Chennai)
No.132, Commissioner Office,
EVK Sampath Road, Vepery, Periyamet,
Chennai-600 007.

2. The Inspector of Police,
B2 Esplanade Police Station,
Parry's George Town,
Chennai-600 01.

... Respondents

PRAYER: Criminal Revision petition is filed under Section 397 r/w.401 Cr.P.C seeking to set aside the judgement dated 07.12.2020 in Crl.M.P.No.54 of 2020 on the file of the VII Metropolitan Magistrate (George Town-Chennai-01), Madras to secure the ends of justice.

For Petitioner : Mr.N.Gokula Rao Party in person
For Respondents : Mr.K.Madhan
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision case has been filed seeking to set aside the judgement dated 07.12.2020 in Crl.M.P.No.54 of 2020 on the file of the VII Metropolitan Magistrate, Madras.

2. The petitioner given the complaint before the respondent/police and the respondent police only received C.No and so police has not filed any charge sheet before the Court. Therefore, the petitioner filed petition before the learned Magistrate under section 156(3) Cr.P.C and the Magistrate also dismissed the petition. Challenging the said petition now the petitioner is before this Court.

3. When the matter came up on 01.03.2021, this Court directed the learned Government Advocate (Crl.Side) to file the

status report. The learned Government Advocate(Crl.Side) filed a status report stating that there is no cognizance of criminal offence and the dispute involved is civil in nature and there is no cheating. Therefore, they closed the complaint itself. Normally after registering the FIR, the respondent police file the charge sheet or closure report before the Magistrate, but in this case even before registering the case, they closed. After the preliminary enquiry, the petitioner was not in a position to file protest petition or contest the complaint. Therefore the petitioner approached the Magistrate under section 156(3) Cr.P.C. seeking to investigate the matter but the Magistrate also dismissed the same. Therefore, the petitioner is before this Court.

4. According to the petitioner, there is prima facie case and he has also produced necessary documents, but police has not investigated the matter in the proper manner. The Police has not even informed to the petitioner about his complaint. Therefore the order passed by the Magistrate is liable to be set aside.

5. Heard and perused the records.

6. Admittedly, the petitioner given the complaint before the police. The police without even registering the case, closed the complaint. Therefore, the petitioner approached the Magistrate and the Magistrate also dismissed the petition. However, the petitioner has stated that there is prima facie case, and the accused have forged the documents. This Court finds that already the police and Magistrate has pre-determined the issues. Therefore, the petitioner cannot expect any real justice either from police or from Magistrate. The petitioner is at liberty to file private complaint before the jurisdictional Magistrate except the 7th Metropolitan Magistrate, George Town, Chennai, in the manner known to law.

7.The Criminal Revision case is disposed of with the above observation.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The VII Metorpolitan Magistrate,
George Town, Chennai.

2. The Commissioner of Police (Greater Chennai)
No.132, Commissioner Office,
EVK Sampath Road, Vepery,
Periyamet,
Chennai-600 007.

3. The Inspector of Police,
B2 Esplanade Police Station,
Parry's George Town,
Chennai-600 01.

4. The Public Prosecutor,
High Court, Madras.

+4CCs to Mr.N.Gokula Rao, Advocate, SR.No.18837.

Crl.RC.No.25 of 2021

GPL (CO)
CSR 24.03.2021



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