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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.500 OF 2021

Mubarak Hussain Khan

... Petitioner/Complainant

.Vs.

1. State rep. By

The Inspector of Police,
G-2 Periamet Police Station,
Chennai - 600 003.

... 1st Respondent

2. Abdul Jabbar

... 2nd Respondent/Accused

PRAYER:- Criminal Revision Petition has been filed under Sections 397 and 401 of Cr.P.C, prayed to set aside the order in C.M.P.No.3433 of 2020, dated 06.01.2020 on the file of the II Metropolitan Magistrate, Egmore, Chennai - 8.

For Petitioner : Mr.K.Mohanamurali

For Respondent-1 : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Petition has been filed to set aside the order in C.M.P.No.3433 of 2020, dated 06.01.2020 on the file of the II Metropolitan Magistrate, Egmore, Chennai - 8.

2. The petitioner had given a complaint before the first respondent on 30.12.2019. As there was no action taken by the first respondent, he filed a petition in Crl.M.P.No.3433 of 2020 before the II Metropolitan Magistrate, Egmore under Section 200 Cr.P.C. r/w. 156(3) of Cr.P.C. The learned Magistrate had dismissed the petition under Section 203 Cr.P.C. Challenging the said order, the present revision petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner made a complaint before the first respondent. Though the first respondent had received the complaint, he has not taken any action. Subsequently, the petitioner made a complaint through on-line to the Commissioner of Police. He has



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also not taken any action. Therefore, the petitioner filed a petition before the learned II Metropolitan Magistrate, Egmore. The learned Judicial Magistrate without considering the allegations made in the complaint, dismissed the petition, which warrants interference.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that already a case has been registered against the petitioner and in order to escape from the case, he has filed a false complaint. The learned Judicial Magistrate has rightly considered and dismissed the petition. There is no merit in this revision and it has to be dismissed.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) for the first respondent and perused the materials available on records.

6. Admittedly, the petitioner is said to have given a complaint before the first respondent on 30.12.2019 and the first respondent has not taken any action. Therefore, the petitioner approached the learned II Metropolitan Magistrate, Egmore invoking Section 200 Cr.P.C. r/w. 156(3) of Cr.P.C. The learned Judicial Magistrate had dismissed the petition.

7. It is the duty of the first respondent police to respond to the complaint filed by the petitioner. He can register F.I.R. or otherwise he can conduct preliminary enquiry and give reply to the petitioner. Even assuming that the complaint is false, the petitioner has got right to get response from the respondent police. But, so far, the petitioner has not received any response from the respondent police for the complaint given to him. Though the petitioner has approached the learned Judicial Magistrate, the learned Magistrate without considering the same, simply dismissed the petition under Section 203 of Cr.P.C. which warrants interference.

8. Therefore, the first respondent is directed to consider the complaint given by the petitioner dated 30.12.2019 and respond to the petitioner in accordance with law.

9. With the above directions and observations, this Criminal Revision Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi



To

1. The II Metropolitan Magistrate,
Egmore, Chennai - 8.
2. The Inspector of Police,
G-2 Periamet Police Station,
Chennai - 600 003.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Mohanamurali, Advocate, S.R.No.42944

CRL.R.C.NO.500 OF 2021

VBM(CO)
PBS/02/09/2021