

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.205 of 2021

Suresh

... Petitioner

...vs...

1.Kadhiravan

Sub Inspector of Police,
Kuduvancheri Police Station.

2.Jana

Police Constable,
Kuduvancheri Police Station.

3.Balaji

Police Constable,
Kuduvancheri Police Station

4. 6 Known Person

(Accused No.4 to 9)

... Respondents

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the order dated 07.11.2020 passed by the Judicial Magistrate No.II, Chengalpattu in Cr.M.P.No.3884 of 2020 and allow the revision.

For Petitioner : Mr.A.Tamilvanan

O R D E R

This Criminal Revision Case has been filed against the order dated 07.11.2020 in Cr.M.P.No.3884 of 2020 passed by the learned Judicial Magistrate No.II, Chengalpattu.

2. As per the direction of this Court dated 19.04.2021, today, Mr.E.Sundaravadhanam, Superintendent of Police, Chengalpattu District has appeared, and filed a status report before this Court. Hence, his appearance is dispensed with.

3.In the status report filed by the Superintendent of Police, Chengalpattu District it has been stated that the

petitioner/de facto complainant given a complaint on 23.10.2020 before the then Superintendent of Police, Chengalpattu District and the same was forwarded to the then Deputy Superintendent of Police, Vandalur Sub Division, Chengalpattu District for enquiry. During the pendency of the enquiry, the petitioner filed a petition in Cr.M.P.No.3884 of 2020 under Section 156(3) Cr.P.C before the learned Judicial Magistrate No.II, Chengalpattu seeking a direction directing the Station House Officer, Guduvancherry Police Station to register the FIR against the accused/ respondents herein and the said petition was dismissed on 07.11.2020. It is further stated that based on enquiry report and statement of witnesses, the complaint was closed on 25.12.2020 and the closure report was informed to the petitioner, however, the petitioner refused to receive the closure report and hence, the same was not served to the petitioner.

4. It is seen from the records that there is no proof to show that the Deputy Superintendent of Police served the closure report to the petitioner/de facto complainant and he has refused to receive the same. But the fact remains that they have not registered the First Information Report and closed the complaint. The learned Magistrate failed to appreciate the allegations mentioned in the complaint and simply dismissed the petition.

5. In the light of the above facts, this Criminal Revision Case is allowed, setting aside the order dated 07.11.2020 passed in Cr.M.P.No.3884 of 2020 by the learned Judicial Magistrate No.II, Chengalpattu.

6. The Superintendent of Police, Chengalpattu District is directed to forward the complaint to the Deputy Superintendent of Police, other than the then Deputy Superintendent of Police, one who has closed the complaint of the de facto complainant and investigate the matter and file a report in the manner known to law. The Superintendent of Police is directed to monitor the investigation to be conducted by the Deputy Superintendent of Police/Investigating Officer.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

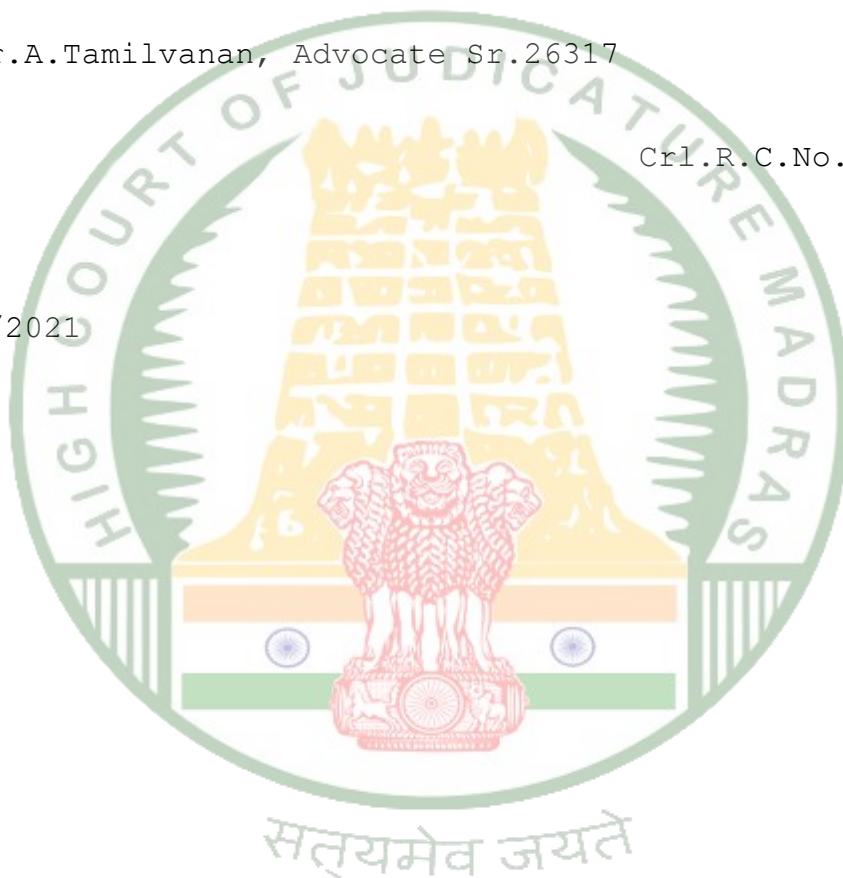
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To

1. The Judicial Magistrate No.II,
Chengalpattu.
2. The Superintendent of Police,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Tamilvanan, Advocate Sr.26317

CrI.R.C.No.205 of 2021

ajp[col]
srg 08/07/2021



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