

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.275 of 2021

Dhakshayani

... Petitioner

Vs.

1. State rep.by

The Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet,
Chennai 600 081.

2. The Commissioner of Police,
Vepery, Chennai 600 007.

3. The Joint Commissioner of Police,
North Chennai Range,
Tondaiyarpur, Chennai 600 081.

4. The Deputy Commissioner of Police,
H-5, New Washermenpet Police Station Campus,
New Washermenpet,
Chennai 600 081.

5. The Assistant Commissioner of Police,
New Washermenpet Range,
Thiruvottiyur, Chennai 600 019.

...Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records on the file of the learned XV Metropolitan Magistrate, George Town, Chennai in Crl.MP.No.41/2020 in CSR.No.563 of 2020 on 25.01.2021 and set aside the order and direct the 1st respondent to register a FIR on the basis of the petitioner's complaint dated 01.12.2021.

For Petitioner : Dr. G. Krishnamurthy
For Respondent : Mr.Damodharan

ORDER

This Criminal Revision Petition has been filed by the petitioner against the order of dismissal dated 25.01.2021, made in Crl.MP.No.41/2020 in CSR.No.563 of 2020 passed by the learned XV Metropolitan Magistrate, George Town, Chennai .

2. The petitioner is the wife of Suresh Kumar who had initially filed a complaint before the respondent police which was taken on file in CSR.No.563 of 2020. Thereafter, the respondent police closed the complaint. As against the said closure of the complaint, the petitioner has filed CrI.MP.No.41 of 2020 seeking a direction under 156(3) of Cr.P.C to forward the complaint for investigation.

3. The Lower Court by the order dated 25.01.2021 had dismissed the petition holding that it is appropriate for the petitioner to approach the Civil Court to work out her remedy. Further it was also mentioned that "Nowadays, the parties have tendency to convert a civil dispute into criminal and get quick remedy on the threat of prosecution and humiliation". This observation of the Court below is unwarranted. If the lower court intends not to forward the complaint, it can merely reject the complaint and leave it as it is. Thereafter, the petitioner can work out the remedy by filing appropriate case before the appropriate Court.

4. According to the petitioner, the finding given by the lower court in Paragraph Nos.9 and 10 would affect her right and cause prejudice to her. It is also stated that the petitioner is a widow lady and she is running from pillar to post seeking remedy.

5. On perusal of the materials and the submissions made by both the counsel, it is hereby clarified that the findings given in paragraph Nos.9 and 10 of the order of the court below would no way affect the petitioner's right and it cannot be construed as a finding as against the petitioner or it would affect her right, if the petitioner intends to approach the competent court, for seeking her remedy.

With the above observations, this Criminal Revision Petition is closed.

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

klt/vv

To

1. The XV Metropolitan Magistrate,
George Town, Chennai
2. The Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet,
Chennai 600 081.
3. The Commissioner of Police,
Vepery, Chennai 600 007.
4. The Joint Commissioner of Police,
North Chennai Range,
Tondaiyarpet, Chennai 600 081.
5. The Deputy Commissioner of Police,
H-5, New Washermenpet Police Station Campus,
New Washermenpet,
Chennai 600 081.
6. The Assistant Commissioner of Police,
New Washermenpet Range,
Thiruvottiyur, Chennai 600 019.
7. The Public Prosecutor,
High Court, Madras.

CrI.R.C.No.275 of 2021

RLD(CO)
SP(13/07/2021)

सत्यमेव जयते

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