



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.467 of 2021

Annadurai  
S/o, Sivalingam

... Petitioner/Petitioner

Versus

1. The State rep by  
The Deputy Commissioner of Police,  
O/o Deputy Commissioner of Police,  
St.Thomas Mount,  
Chennai - 600 007.
2. The Inspector of Police,  
Selaiyur Police Station,  
Selaiyur,  
Chennai - 600 117.

... Respondents/Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 26.07.2021 passed by the learned Judicial Magistrate No.1, Tambaram in C.M.P.No.1213 of 2021 and to set aside the same and consequently direct the 2<sup>nd</sup> respondent police to register F.I.R on the petitioner's complaint dated 14.03.2021.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr. S.Sugendran  
Government Advocate, (Criminal Side)

ORDER

This Criminal Revision Petition has been filed to call for the records pertaining to the order dated 26.07.2021 passed by the learned Judicial Magistrate No.1, Tambaram in C.M.P.No.1213 of 2021 and to set aside the same and consequently direct the 2<sup>nd</sup> respondent police to register the F.I.R on the petitioner's complaint dated 14.03.2021.



2. The petitioner has filed the petition in C.M.P.No.1213 of 2021 under section 156(iii) Crpc before the learned Magistrate No.I, Tambaram seeking the relief to register the F.I.R on his complaint dated 14.06.2021 before the respondent police and to investigate the matter. The learned Magistrate after hearing the matter, dismissed the same. Challenging the said impugned order, now the petitioner has come before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is the tenant and the landlord is the rowdy element and tried to evict the shop, the landlord threatened him with goondas and coolie aids. Therefore he filed a complaint before the respondent police. The respondent police has not taken any action so far and whereas he received the complaint from the landlord stating that his complaint is a counter complaint. The landlord filed a false complaint against him to grab the property. Since the respondent police has not taken any action against the complaint given by him, he approached the learned Judicial Magistrate No.I, Tambaram under section 156 (iii) Crpc., to direct the police and to investigate the matter. The Magistrate failed to appreciate the matter and only stating that there is a civil dispute between the parties and civil suit is also pending and dismissed the petition which warrants interference of this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that on the complaint filed by the landlord, case was registered against the petitioner stating that the petitioner is a lessee and he sublet the shop to the third party and therefore a civil dispute pending between them. The civil suit is also pending. Earlier the complaint was filed by the landlord. In order to escape from the complaint filed by the landlord, the petitioner filed the complaint stating that his complaint is the first complaint. Thereafter the police investigated the matter and closed the same as mistake of fact. The learned Magistrate also rightly appreciated the evidence and dismissed the petition. There is no merit in the revision petition and is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the records.

6. Admittedly the petitioner filed the complaint before the respondent police on 13.03.2021 and since the police has not taken any action, he filed the petition under section 156(iii) Crpc before the Judicial Magistrate No.I, Tambaram and the learned Magistrate dismissed the same. Admittedly, the



petitioner is tenant and A.J.Prabhu Kumar is the landlord and civil suit also pending between them. Therefore the learned Magistrate rightly dismissed the petition. Considering the facts and circumstances, there is no merit in the Revision Petition and is liable to be dismissed and accordingly the Criminal Revision Petition is dismissed. However the respondent police is directed to conduct enquiry about if any life threat made on the petitioner and file a report before this Court.

Sd/-  
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

mfa

To

1. The Judicial Magistrate No.I,  
Tambaram.
2. The Deputy Commissioner of Police,  
O/o Deputy Commissioner of Police,  
St.Thomas Mount,  
Chennai - 600 007.
3. The Inspector of Police,  
Selaiyur Police Station,  
Selaiyur,  
Chennai - 600 117.
4. The Public Prosecutor,  
High Court,  
Madras.

CRL.R.C.No.467 of 2021

SMI (CO)  
SU(27/08/2021)