



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.775 of 2019

G.Jelitha

... Petitioner/Complainant

Vs.

1. The Superintendent of Police,
Vellore,
Vellore District.

2. The Inspector of Police
District Crime Branch
Vellore,
Vellore District.

3. The Sub-Inspector of Police
Viruthampet Police Station,
Vellore District.

4.V.Kumaresan @ Nirmal

5.V.Karthi Vikraman

... Respondents/Accused

PRAYER: This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records in pursuant to C.M.P.No. 4966 of 2019 on the file of the Judicial Magistrate No.III, Vellore, Vellore District, vide order dated 11.07.2019 and set-aside the same and direct the 2nd respondent to register the FIR based on the petitioner's complaint dated 22.01.2019 and investigate the case and file the final report within stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For R1 to R3 : Mr.S.Sugendran
Govt. Advocate (Cr1.Side)

For R4 to R5 : Mr. M.Duraimurugan



O R D E R

The present criminal revision has been filed to call for the entire records in pursuant to C.M.P.No. 4966 of 2019 on the file of the Judicial Magistrate No.III, Vellore District, vide order dated 11.07.2019 and set-aside the same and to direct the 2nd respondent to register the FIR based on the petitioner's complaint dated 22.01.2019 and investigate the case and file the final report within the stipulated period.

2. The petitioner is the complainant. The petitioner filed a complaint before the learned Judicial Magistrate, Vellore District in C.M.P.No.4966 of 2019 under Section 156(3) of Criminal Procedure Code (hereinafter referred to as 'Cr.P.C.' for short) for a direction to the 2nd respondent/police to register FIR and investigate the same.

3. The learned Magistrate after enquiry, dismissed the complaint. Challenging the same, the petitioner filed the present revision before this Court.

4. Learned counsel for the petitioner would submit that the private respondents cheated the petitioner and the petitioner filed a complaint on 22.01.2019 before the jurisdictional police and the said complaint was forwarded to the 2nd respondent for taking further action. Since 2nd respondent has not taken any steps and therefore, the petitioner make a representation to the Superintendent of Police, Vellore District and since they have not taken any action against the private respondents and hence, the petitioner approached the learned Magistrate under Section 156(3) for a direction to the respondents 1 to 3 to registered the case and investigate the same.

5. The learned Magistrate without going through the materials and dismissed the case on the ground of genuineness of the complaint. Challenging the same, the petitioner filed the present revision.

6. Learned Government Advocate (Crl.Side) would submit that the petitioner herself has given a letter dated 15.02.2019 to the respondents/police and she does not pursue the complaint and withdrawing the complaint and she will settle the matter. The 4th and 5th respondents given a letter dated 15.02.2019 to settle the issue and repay the amount. Therefore, the order of the learned Magistrate does not require any interference.

7. Heard both sides and perused the materials available on record.



8. Admittedly, the petitioner gave a complaint before the learned Magistrate under Section 156(3) and the same was dismissed by the learned Magistrate. Challenging the same, the petitioner is before this Court.

WEB COPY

9. The matter involves money transactions and the learned Government Advocate (Crl.Side) would submit that the private respondents had written a letter to the 2nd respondent that they would settle the matter and agreeing to repay the said amount. The petitioner also given a letter to the 1st respondent that she did not pursue the complaint and requested not to take any action against the private respondents. Therefore, considering the subsequent developments, nothing survives in this revision.

10. Accordingly, the criminal revision is disposed of.

Sd/-

Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Superintendent of Police,
Vellore,
Vellore District.
2. The Inspector of Police
District Crime Branch
Vellore,
Vellore District.
3. The Sub-Inspector of Police
Viruthampet Police Station,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.775 of 2019

MG (CO)
CT(26/08/2021)