



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.56 of 2022

Ezhavendan

...Petitioner

Vs.

1.Inspector of Police,
S-13 Chrompet Police Station,
Chrompet, Chennai.

2.T.R.Ramesh

...Respondents

PRAYER: The Criminal Revision Case is filed under Section 397 of the Code of Criminal Procedure, to set aside the order dated 18.10.2021, passed in Crl.M.P.No.2415 of 2021 on the file of the Judicial Magistrate-I, Tambaram and consequently to direct the 1st respondent to register the F.I.R based on the complaint dated 24.07.2021 lodged by the petitioner and to file a final report within the time frame to be fixed by this Court.

For Petitioner : Ms.S.P.Arthi

For Respondents : Mr.S.Sugendran for R1
Government Advocate [Crl. Side]

O R D E R

(The case has been heard through Video Conferencing)

This Criminal Revision Petition has been filed against the dismissal of the petition filed under Section 156 (3) Cr.P.C.

2. The case of the petitioner is that he married one Dhanalakshmi, daughter of the proposed accused before seven years and the relationship between the petitioner and wife was cordial till recently. It is further case of the petitioner that the proposed accused taking advantage of the relationship, repeatedly borrowed a sum of Rs.1,92,000/- from the petitioner on one pretext or another and even after marriage, the proposed accused was enjoying the income of his daughter without any shame and without consulting the petitioner, the second respondent was living off his daughter, besides seeking financial assistance from the petitioner/complainant. It is the further case of the



petitioner that his wife got onsite employment at U.K. and she had also taken his son to UK. While so on 04.06.2020, the proposed accused got rushed into the house of the petitioner and has forcibly taken away all the belonging of the petitioner's wife and had openly declared that the petitioner's wife will not live with him. Further, on 18.08.2020, the proposed accused had abused the petitioner over phone using filthy languages towards the petitioner and his mother and sister and also threatened with dire consequences. The petitioner got agitated and humiliated and while contemplating action, he was summoned for enquiry on the complaint lodged by his wife. He was called for enquiry to AWPS, Tambaram. On 13.07.2021 during the enquiry, the proposed accused had abused the petitioner and also threatened to kill him. Thereby, the petitioner lodged a complainant at the Commissioner of Police, Chennai. On 27.04.2021 upon receipt, the same was forwarded to the Deputy Commissioner of Police, St.Thomas Mount for further action who in turn had forwarded the same to the Inspector of Police, S13 Chrompet Police Station. The petitioner and the respondent were enquired by the first respondent on the complaint of the petitioner and the proposed accused had admitted to the crime. It is the case of the petitioner that despite the admission by the proposed accused, the first respondent did not register a case. Against non registration of the case, the petitioner has filed application under section 156(3) of Cr.P.C. Before the learned Magistrate. The learned Magistrate finding that the complaint discloses the money dispute and finding that it is a case of civil in nature, had dismissed the application against which, the present revision has been filed.

3. Learned counsel appearing for the petitioner would submit that though matrimonial dispute is pending between the petitioner and his wife, the proposed accused who is father in law of the petitioner, had threatened the petitioner right in the presence of the police officials. Further, he has also abused the petitioner using filthy languages and also against his mother and sister and thereby the petitioner had given a complaint to the Commissioner of police and thereafter, the complaint was forwarded to the Deputy Commissioner of Police and again to the first respondent. The first respondent had failed to take any action against the proposed accused.

4. Heard the learned counsels and perused the materials on record.

5. The petitioner had straight away given a complaint to the Commissioner of Police and thereafter, through proper channel, it was forwarded to the first respondent. It is the grievance of the petitioner that the first respondent did not register a case. When the first respondent had failed to register the case, the petitioner without following the procedure under Section 154(3) of Cr.P.C., had straight away approached the learned Magistrate by filing the petition under



Section 156(3) of Cr.P.C. The said petition was also not supported by an affidavit as required under the decision of the Hon'ble Supreme Court reported in Priyanka Srivasthava vs State of Uttar Pradesh, 2015(6) SCC 287. Though the trial court had not taken into consideration the non filing of an affidavit, the trial court finding that the issue in the complaint relates matrimonial dispute coupled with a money dispute, had dismissed the application. As stated above, the petitioner without exhausting the remedy under section 154(3) of Cr.P.C, had straight away approached the learned Magistrate. I do not find infirmity in the order passed by the learned Magistrate and thereby this petition stands dismissed. However, liberty is granted to the petitioner to approach the higher officials in accordance with section 154 (3) of Cr.P.C. With this observation, the criminal revision petition is disposed of.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1.The Inspector of Police,
S-13 Chrompet Police Station,
Chrompet, Chennai.

2.The Judicial Magistrate-I,
Tambaram.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.P.Arthi, Advocate SR. No.4665

Cr1.R.C.No.56 of 2021

GPL (CO)
PR (14/02/2022)