

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.3020 OF 2022

R.Sivakumar

... Petitioner/
Complainant

Vs.

1.R.Udhayakumar
2.R.Murugesan
3.R.Vijayakumar
4.T.V.Sridhar
5.N.Ramachandran
6.T.Sundaresan

... Respondents/
Accused 1 to 6

PRAYER :

Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the return order dated 23.10.2021 made in Crl.M.P.No.12785 of 2021 passed by the Learned Metropolitan Magistrate (Exclusive trial for CCB and CBCID Cases), Egmore, Chennai by directing the same Court to take the private complaint dated 16.04.2021 in Crl.M.P.No.12785 of 2021 on file.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.B.Arvind Srevatsa for R1

O R D E R

This Criminal Original Petition filed is under Section 482 of Cr.P.C., to set aside the return order dated 23.10.2021 made in Crl.M.P.No.12785 of 2021 passed by the Learned Metropolitan Magistrate (Exclusive trial for CCB and CBCID Cases), Egmore, Chennai on the ground of jurisdiction and direct the same Court to take the private complaint dated 16.04.2021 in Crl.M.P.No.12785 of 2021 on file.

2.Learned counsel for the petitioner would submit that earlier the petitioner filed Crl.O.P.No.16804 of 2015 to direct

the CCB Egmore, Chennai to register the complaint and negative report has been filed. Thereby, the petitioner filed a protest petition before the same Court, which is also closed. Thereafter, the petitioner filed a private complaint u/s.200 r/w 190(1) (a) Cr.P.C., at this stage, the learned Magistrate has returned the complaint on the ground that the Court has no jurisdiction.

3.The main contention of the petitioner is that even in the complaint, the petitioner has stated that the alleged occurrence took place within the jurisdiction of the trial Court. Without considering the same, the learned Magistrate has returned the complaint. Accordingly, prays for a direction to register the private complaint.

4.Admittedly, similar complaint was lodged earlier before the CCB and negative report has been filed, which was challenged by way of protest petition, in which further investigation was ordered and again CB CID filed the negative report. Therefore, the petitioner had to file a petition u/s.200 Cr.P.C. to pursue his remedy. This Court is of the view that the learned Magistrate ought to have decided the matter on merits in accordance with law instead of returning the complaint.

5.In such view of the matter, the Criminal Original Petition stands allowed. The return order made in CrI.M.P.No.12785 of 2021 dated 23.10.2021 by the Learned Metropolitan Magistrate (Exclusive trial for CCB and CBCID Cases), Egmore, Chennai is set aside. The learned Magistrate shall decide the matter on merits considering the statement recorded from the petitioner as well as the complaint averments.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To

1 The Metropolitan Magistrate,
(Exclusive trial for CCB and CBCID Cases),
Egmore, Chennai.

Copy To

The Section Officer,
ER Section, High Court,
Madras.

(Return the original complaint filed by the petitioner)

+1cc to Mr.N.Manoharan, Advocate, S.R.No.40645

CRL.O.P.No.3020 of 2022

AKII (CO)
PM/12/07/2022