



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.R.C.NO.214 OF 2022

R.Sathishkumar

... Petitioner/Complainant

Vs

1. S.Raja

... 1st Respondent/Accused

2. The Inspector of Police,
T-3, Korattur Police Station,
Chennai.

... 2nd Respondent

PRAYER: This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., praying to set aside the order passed by the learned Judicial Magistrate at Ambattur dated 06.08.2021 and consequently, direct the Judicial Magistrate to forward the petitioner's complaint to 2nd respondent to register a case and allow this revision petition.

For Petitioner : Mr.M.Marimahesh

For Respondent-2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

Being dissatisfied with the order dated 06.08.2021, made in C.M.P.No.370 of 2021 passed by the learned Judicial Magistrate, Ambattur, the petitioner, who is the complainant in CNR No.TNTR29-000439-2021 has preferred this revision petition and prayed to set aside the order dated 06.08.2021 and to direct the learned Judicial Magistrate, Ambattur to forward the complaint to the second respondent/Inspector of Police, Korattur Police Station to register his complaint dated 11.08.2020 and to investigate it.



2. The revision petitioner had filed a complaint before the respondent police on 11.08.2020 complaining that the first respondent/ accused by falsely stating that he was in a tough situation with his pregnant wife, fraudulently induced him to part with his motor car and Rs.5,000/- for fuel and promised to return the same after 2 days, but failed to do so. When the revision petitioner asked to return back the car, the accused threatened to destroy the car completely. Hence, the petitioner gave a complaint to the second respondent police on 11.08.2020. As there was no action from the second respondent police after issuing CSR, he had approached the Deputy Commissioner of Police, Ambattur on 10.11.2020. Since the Deputy Commissioner of Police, Ambattur is also not in favour of the complainant, he approached the Judicial Magistrate Court, Ambattur and filed a petition under Section 156(3) of Cr.P.C., seeking a direction to the second respondent police to register his complaint dated 11.08.2020 and investigate the same.

3. While at the time of enquiry, the learned Judicial Magistrate, Ambattur directed the petitioner to produce the copy of the R.C. book pertains to the car, which was alleged to be handed over to the first respondent. Since, the petitioner herein has not complied with the said order, the learned Judicial Magistrate, Ambattur refused to entertain the petition filed by the petitioner and ultimately vide impugned order dated 06.08.2021, dismissed the complaint filed by the petitioner. Challenging the said order, the petitioner is before this Court with present revision petition.

4. Today, when the revision petition is came up for hearing, the learned counsel for the petitioner shown the xerox copy of the R.C. Book, which stands in the name of the petitioner. Hence, prima facie it shows that he is the owner of the petition mentioned car bearing Registration No.TN-22-CC-0774. According to him, now the said vehicle is in the custody of the first respondent and also the same was damaged. Therefore, the present complaint lodged by the petitioner requires detailed investigation.

5. Therefore, in view of the above, the order dated 06.08.2021 passed by the learned Judicial Magistrate, Ambattur is set aside and the Criminal Revision Petition is allowed accordingly. The learned Judicial Magistrate, Ambattur is directed to forward the complaint presented by the complainant, to the second respondent police with a direction to register and



WEB COPY

investigate the case in accordance with law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Judicial Magistrate
Ambattur.
2. The Inspector of Police,
T-3, Korattur Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

Cr1.R.C.No.214 of 2022

PA(CO)
RLP(28/03/2022)