



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.No.380 of 2022 and
Crl.MP.No.3904 of 2022

V.Sankar

... Petitioner

versus

1.Pothraj

2. The Commissioner of Police,
Vepery, Chennai 600 007.

3. The Inspector of Police,
V-6 Kolathur Police Station,
Chennai.

... Respondents

PRAYER: Criminal Revision Petition has been filed under Sections 397 and 401 of the Code of Criminal Procedure, praying to set aside the order of the learned XIII Metropolitan Magistrate, Egmore, Chennai in Cr.M.P.No.2839 of 2022 dated 24.02.2022.

For Petitioner : Mr.S.Anil Sandeep

For Respondents

For R2 & 3 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

The present Criminal Revision has been filed praying to call for the records relating to the order dated 24.02.2022 passed by the learned XIII Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No.2839 of 2022 and to set aside the same.

2. The case of the petitioner is that before the learned XIII Metropolitan Magistrate, under Section 156(3) of Cr.P.C., the first respondent herein filed a complaint as against the petitioner saying that the petitioner herein dishonestly received a huge amount and without repaying the same, cheated him. On receipt of the said complaint, the learned XIII Metropolitan Magistrate, by order dated 24.02.2022, forwarded the same to the Station House Officer, V-6 Kolathur Police Station to register F.I.R. and to investigate the same. Aggrieved over the said impugned order, the petitioner is before this Court praying to set aside the said order dated 24.02.2022.



3. Today when the revision is came up for hearing, the learned Government Advocate(crl.side) appearing for the respondent police 2 & 3 make a submission as upon the order dated 24.02.2022, the third respondent police registered a case as against the petitioner and therefore, the prayer sought for by the petitioner becomes infructuous. In otherwise, in respect to registration of the case as against the petitioner, the learned counsel appearing for the petitioner conceded that the respondent police registered an F.I.R. against the petitioner.

4. Therefore, in view of the fact that already the order dated 24.02.2022 has been complied by the third respondent police by way of registering a case as against the petitioner, the prayer sought for by the petitioner becomes infructuous. In the said occasion, the petitioner is having appropriate remedy only by filing the petition under Section 482 of Cr.P.C.

5. Therefore in view of the same, the present criminal revision is dismissed. Further, the petitioner is at liberty to raise the grounds raised in this revision petition while at the time of arguing the matter before the court which deal with Section 482 of Cr.P.C. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The learned XIII Metropolitan Magistrate,
Egmore, Chennai.
2. The Commissioner of Police,
Vepery, Chennai 600 007
3. The Inspector of Police,
V-6 Kolathur Police Station, Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Anil Sandeep, Advocate, S.R.No.25235

Cr1.R.C.No.380 of 2022

MT(CO)

CT 27/04/2022