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Crl.R.C.No.459 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.459 of 2020

Abhishek Sharma

... Petitioner

Versus

State rep.by

1.The Commissioner of Police,
Office of the Commissioner of Police,
Verpery,
Chennai – 600 007.

2.The Assistant Commissioner of Police,
Nungambakkam Range,
Chennai.

3.The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.

... Respondents

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to call for the records passed in Crl.M.P.No.14078 of 2019 dated 04.02.2020 by the learned XIV Metropolitan Magistrate, Egmore, Chennai and set aside the same and direct the 3rd respondents police to take necessary action on the petitioner's complaint dated 30.07.2019.

For Petitioner : Mr.G.Anbuechezheian

For Respondents : Mr.R.Murthi

Government Advocate (Crl.Side)



ORDER

This Criminal Revision Case has been preferred challenging the order dated 04.02.2020 passed in Crl.M.P.No.14078 of 2019 by the learned XIV Metropolitan Magistrate, Egmore, Chennai and to direct the 3rd respondent police to take necessary action on the petitioner's complaint dated 30.07.2019.

2. The learned counsel for the petitioner submitted that the petitioner filed a complaint dated 30.07.2019 before the first respondent/Police, since no action was taken, he filed a complaint before the XIV Metropolitan Magistrate, Egmore, Chennai to direct the respondent/Police to register the case, investigate the matter and file a charge sheet. The learned Magistrate failed to appreciate the allegations made in the complaint and simply dismissed the petition on the ground that the dispute between the parties is civil in nature. Aggrieved over the same, the petitioner has filed the present revision.

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

4. It seems that in the complaint itself, the petitioner has stated that he



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has not filed the complaint at the time of transaction of funds. He has stated that when he approached the accused, the accused promised to repay the amount but he failed to repay the amount. Therefore, strictly speaking that the petition under Section 156(3) Cr.P.C would not attract and hence, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

15.12.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms



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P.VELMURUGAN, J.

ms

To

- 1.The XIV Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Commissioner of Police,
Office of the Commissioner of Police,
Verperiy,
Chennai – 600 007.
- 4.The Assistant Commissioner of Police,
Nungambakkam Range,
Chennai.
- 5.The Inspector of Police,
F-4, Thousand Lights Police Station,
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