



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.492 of 2022

M.Rajasekaran

.. Petitioner

Vs

1.The State

The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2.State Rep. By

Inspector of Police (Crime),
F-3 Nungambakkam Police Station,
Chennai - 600 034.

.. Respondents

Criminal Revision Case filed under Section 397 Cr.P.C, to set aside the order in Crl.M.P.No.2806 of 2022 dated 04.03.2022 passed by the Metropolitan Magistrate Court XIV, Egmore and direct the respondent herein to register the complaint dated 02.09.2021.

For Petitioner	: Mr.R.Senthil Raj
For Respondents	: Mr.S.Vinoth Kumar Government Advocate (Criminal Side)

ORDER

1. The revision is filed against the order dated 04.03.2022 made in Crl.M.P.No. 2806 of 2022 in and by which the learned XIV Metropolitan Magistrate, Egmore, Chennai had rejected the application filed by the petitioner to refer his complaint dated 02.09.2021 to the second respondent to register the case and investigate into the matter as per Section 156(3) of Cr.P.C. The learned Magistrate after going through the complaint had concluded that there is no prima facie offence made out and rejected the application.

2. Learned counsel for the petitioner would contend that after initially entering into the sale agreement and redeeming



the property from the housing finance, thereafter it is clearly mentioned in the complaint that a second of sale agreement was forged by the proposed accused persons by forging the signature and by using the photocopy of the earlier stamp papers and a sum of Rs. 5 lakhs has been obtained as loan and the said amount was transferred and utilized for the auto loan of the proposed accused. Therefore, the said averments have not been taken into consideration by learned Magistrate while dismissing the complaint.

3. Learned Government Advocate (Criminal Side) is not in a position to answer as far as this complaint is concerned.

4. A perusal of the complaint regarding the above mentioned averments clearly shows that there are prima facie averments as to the commission of cognizable offences. The said averments have not been taken into consideration by learned Magistrate while rejecting the complaint.

5. I am therefore is of the view that prima facie there are averments to the effect that the accused persons committed offence of forgery by creating false documents and obtained loan amount of Rs.5 lakhs and misappropriated to themselves. In that view of the matter, the Criminal Revision is ordered as follows:

5.1 The order of learned XIV Metropolitan Magistrate dated 04.03.2022 in CrI.M.P.No.2806 of 2022 is set aside.

5.2 The complaint dated 02.09.2021 is referred to the second respondent to register the case and investigate the same and file final report in accordance with law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

- 1.The Metropolitan Magistrate Court XIV,
Egmore.
- 2.The Chief Metropolitan Magistrate,
Egmore, Chennai-8
- 3.The Commissioner of Police,
Greater Chennai,Vepery, Chennai - 600 007.



4.The Inspector of Police (Crime),
F-3 Nungambakkam Police Station,
Chennai - 600 034.

5.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.R.Senthilraj, Advocate, S.R.No.35453

Cr1.R.C.No.492 of 2022

GPL(CO)
SB(21/06/2022)