

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No. 767 of 2022

GTL Infrastructure Limited,
Rep. by its Authorised Signatory,
Office at New No. 232/Old No. 186,
City Centre, 3rd Floor,
Purasaiwalkam High Road, Kilpauk,
Chennai 600 010.

...Petitioner

Vs.

The Inspector of Police,
Vellakoil Police Station,
Karur Road, Opp. Union Office,
Vellakoil, Thiruppur District,
Tamil Nadu 642 111.

...Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C. to set aside the order dated 24.02.2022 passed in Crl.M.P.No.108 of 2022 on the file of the Judicial Magistrate, Kangayam and pass a direction to register FIR towards complaint dated 21.06.2021 under Sections 378, 405, 441, 425 of IPC read with Section 25 of Telegraph Act.

For Petitioner :: Mr.J.Abishek Jenasenan

For Respondent :: Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side)

O R D E R

This revision is filed aggrieved by the order of the learned Judicial Magistrate dated 24.02.2022 passed in Crl.M.P.No.108 of 2022 whereby the learned Magistrate had rejected the prayer of the petitioner to refer the complaint of the petitioner dated 21.06.2021 to the respondent Police for investigation under Section 156(3) Cr.P.C.

2. The reasoning of the learned Judicial Magistrate is that the postal receipt produced by the complainant shows that 348 such complaints have been lodged by the petitioner and therefore, it lacks bona fides.

3. I am unable to accept the said reasoning of the learned Judicial Magistrate. Merely, because a number of complaints had been made, the same cannot be a reason to decide the bona fides or otherwise of the complaint. The gist of the allegation in the complaint is that certain miscreants/unknown persons/landlords have stealthily and clandestinely removed the towers and other machinery installed in the site. Therefore, if such an action is taken so as to misappropriate the money, then, I am of the view that, prima-facie, cognizable criminal offences are made out.

4. However, in this case, the complaint is not crystal clear as to when the officials of the petitioner had visited the premises and when it was found that the towers were removed. Therefore, instead of giving a positive direction, the Criminal Revision Case is disposed of in the following manner:

(i) The order of the learned Judicial Magistrate, Kangayam, dated 24.02.2022 in CrI.M.P. No.108 of 2022 is set aside;

(ii) The complaint dated 21.06.2021 of the petitioner is referred to the respondent/Police;

(iii) The respondent/Police shall conduct a preliminary enquiry within a period of one week from the date of receipt of a copy of this order and come to a conclusion and as per their conclusion in the preliminary enquiry, register a case and investigate into the same, as the case may be, in accordance with law and file the final report.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Judicial Magistrate, Kangayam.

2. Do Through The Chief Judicial Magistrate,
Tiruppur.

3. The Inspector of Police,
Vellakoil Police Station,
Karur Road, Vellakoil,
Thiruppur District,
Tamil Nadu 642 111.

4. The Public Prosecutor, High Court,
Madras.

Copy To:

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

+2cc to Mr.Abishek Jenasenan, Advocate, S.R.No.38180

Crl.R.C. No.767 of 2022

SKM(CO)
SB(14/07/2022)