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Crl.R.C.No.799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.799 of 2022

P.Balamurugan

... Petitioner

Versus

1.State Rep.by
The Inspector of Police,
Aatyampatty Police Station,
Salem.

2.Megala

3.Raakipatty Raja

... Respondents

Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., to call for the records in Crl.M.P.No.2550 of 2021 on the file of Judicial Magistrate No.4, Salem and set aside the order dated 08.09.2021 and direct the First Respondent to register a FIR against the Second and Third Respondent.

For Petitioner : Mr.R.Alvin Manoj Raj

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side) [R1]



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ORDER

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This revision is filed aggrieved by the order of the learned Judicial Magistrate No.4, Salem, dated 08.09.2021 in Crl.M.P.No.2550 of 2021, in and by which, the prayer of the petitioner to refer his complaint to the respondent police to register a case and investigate, has been refused by the learned Magistrate.

2. According to the learned counsel for the petitioner, the proposed accused who had also registered in the website Tamil Matrimony, made sweet talks to the petitioner that she will marry the petitioner and in the guise of the same, falsely representing that her family is in debts, obtained several amounts from the petitioner and cheated him and therefore, he lodged a complaint on 14.07.2018, but, till today, there was no action on his complaint and hence, the petitioner has preferred this revision before this Court.

3. Per contra, the learned Government Advocate (Crl.Side) for the respondent police would submit that as a matter of fact, this is a case in which the petitioner had harassed the said proposed accused and she had



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given a complaint in which a case in Cr.No.3 of 2019 was registered and the investigation was also completed and final report was filed and the matter is now pending in C.C.No.747 of 2020 on the file of the Additional Mahila Court, Salem. This complaint, which is in the nature of counter blast, was also immediately enquired into and the F.I.R., was refused to be registered by the respondent police.

4. This fact, however, the learned counsel for the petitioner would submit that as a matter of fact, the respondent police never investigated his complaint.

5. I have considered the rival submissions made on either side and perused the materials on record.

6. In this case, the complaint of the petitioner is in the nature of the defence and also a counter blast to the said C.C. which is already pending. Even though the petitioner's complaint is yet to be registered, since he did not take any steps earlier, no exception can be taken for the order of the learned Magistrate and the respondent by refusing to register



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the complaint for investigation at this stage. However, it would be open for the petitioner to bring it to the notice of the trial Court by way of taking appropriate defence in the pending C.C., in respect of his allegation that it is only the said Megala who had cheated him.

7. With the said liberty, this Criminal Revision Case is dismissed.

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Index : Yes / No

Speaking Order : Yes / No

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To

1. The Judicial Magistrate No.4,
Salem.
2. The Inspector of Police,
Aatyampatty Police Station,
Salem.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.,

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