



WEB COPY

CrI.RC.No.1369 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1369 of 2022

R.M.Palaniappan
Director of GI Retail Pvt. Limited
C-9 Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 0032

... Petitioner

Vs.

State rep. by
The Inspector of Police
Central Crime Branch
Chennai – 600 007

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order dated 03.08.2022 passed in CrI.M.P.No.2957 of 2020 in CNR No.TNCH0F-003677-2021 in C.C.B. Crime No.60 of 2019 on the file of the Court of the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai-600 008 and direct the respondent police or any other agency to investigate the case in an unbiased manner thoroughly without relying on the earlier investigation and direct to file a charge sheet on the basis of the material evidence available on record against the accused in the above matter and also if necessary conduct further investigation.

For Petitioner

: Mr.A.Saravanan for
M/s.Narmadha Sampath

For Respondent

: Mr.S.Sugendran
Additional Public Prosecutor

**ORDER**

This Criminal Revision Case has been filed seeking to set aside the order dated 03.08.2022 passed by the Court of the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai- 600 008 in CrI.M.P.No.2957 of 2020 in CNR No.TNCH0F-003677-2021 in C.C.B. Crime No.60 of 2019 and to direct the respondent police or any other agency to investigate the case in an unbiased manner thoroughly without relying on the earlier investigation and to file charge sheet on the basis of the material evidence available on record against the accused.

2. The respondent police registered the case in Crime No.60 of 2019 against one Selvaraj and others for the offences under Sections 408, 420, 465, 477-A read with 109 and 120 (b) IPC based on complaint given by the petitioner and after investigation, filed a closure report as “Mistake of Facts”. Aggrieved over the same, the petitioner approached the concerned Jurisdictional Magistrate by way of protest petition. The learned Magistrate after enquiry, dismissed the petition by order dated 03.08.2022 stating that the protest petition cannot be treated as a private complaint and it is lack of particulars. Against which, the present revision has been filed.



3. The learned counsel for the petitioner would submit that the petitioner had lodged a complaint before the respondent police on 04.02.2019 against one Selvaraj and others and the same was registered in Crime No.60 of 2019 for the offence under Sections 408, 420, 465, 477-A read with 109 and 120 (b) IPC. Subsequently, the respondent police filed a closure report on 19.11.2019 as “Mistake of Fact”. He would submit that the petitioner was never called for enquiry. The petitioner came to understand from the police report that the said Selvaraj alone was enquired on 25.02.2019 and based on his submissions, the Negative report has been filed as “Mistake of Fact” on 19.11.2019. Hence, the petitioner approached the Court of the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai-600 008 by way of protest petition in CrI.M.P.No.2957 of 2020 and the learned Magistrate without taking into consideration that the respondent police have not conducted the investigation in a proper manner and without giving any findings as to how the petition was not maintainable, simply dismissed the petition stating that the protest petition cannot be treated as a private complaint due to lack of particulars, which warrants the interference.



4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials on record.

5. Admittedly, the learned Magistrate without giving any findings as to whether prima facie allegations are made out or not, has simply dismissed the petition. Hence, this Court finds that there is perversity in the order passed by the learned Magistrate.

6. Accordingly, the order dated 03.08.2022 passed by the Court of the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.No.2957 of 2020 in CNR No.TNCH0F-003677-2021, is set aside.

7. The petitioner is directed to file a private complaint before the concerned Magistrate under Section 200 Cr.P.C. and the concerned Magistrate is directed to take the complaint on file if it is otherwise in order and dispose of the same in accordance with law after giving sufficient opportunities to all the parties.



WEB COPY
of.

8. With the above directions, this Criminal Revision Case is disposed

29.09.2022

ksa-2

To

1. The Court of the CCB and CBCID Metropolitan Magistrate,
Egmore, Chennai-600 008
2. The Inspector of Police
Central Crime Branch
Chennai – 600 007
3. The Public Prosecutor
High Court of Madras



WEB COPY

Crl.RC.No.1369 of 2022



P.VELMURUGAN,J.

ksa-2

Criminal Revision Case No.1369 of 2022

29.09.2022