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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.R.C.No.686 of 2021

A.Chandrasekaran

...Petitioner/Petitioner

versus

1. The Deputy Commissioner of Police,  
St.Thomas Mount, Guindy,  
Chennai - 600 016.
  2. The Assistant Commissioner of Police,  
Madipakkam,  
Chennai - 600 117.
  3. The Inspector of Police,  
S-7, Madipakkam Police Station (Crime),  
Chennai - 600 117.
- ...Respondents/Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to set aside the order dated 06.08.2021 passed in C.M.P.No.911 of 2021 by the learned Judicial Magistrate No.II, Alandur and to allow the above Criminal Revision Petition.

For Petitioner : Mr.N.Ganeshmurthy

For Respondents : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Cr1.Side)

O R D E R

This Criminal Revision Petition has been filed to set aside the order dated 06.08.2021 passed in C.M.P.No.911 of 2021 by the learned Judicial Magistrate No.II, Alandur.

2. The revision petitioner herein is the petitioner in C.M.P.No.911 of 2021 on the file of the learned Judicial Magistrate No.II, Alandur. The said petition has been filed under Section 156(3) Cr.P.C. praying to direct the respondent police to register the case as against the accused and to investigate the same.



3. It is the case of the petitioner that, during the relevant point of time, one Rajasekar, son of Kuppan, who was working with the petitioner in the same Company informed the petitioner as he was invested the money in Q.Net Company and earned a sum of Rs.50,000/- per month and also insisted the petitioner to invest in the said Company. After believing the words of the said Rajasekar, the petitioner mobilised Rs.2,50,000/- and when at the time, he attempted to invest the same in the Q.Net Company, the said Rajasekar insisted the petitioner as, if the petitioner invest the money directly to Q.Net company the same did not gave guarantee to the petitioner's amount. On believing the words of the said Rajasekar, the petitioner gave the said amount by way of cheque to the said Rajasekar and afterwards, the said Rajasekar did not return back the said amount as agreed. Subsequently, the petitioner came to know that the said Rajasekar, apart from him, cheated 2 persons, namely, Vijay and Gokul and when at the time they asked Rajasekar to return the money, he threatened the petitioner.

4. Before filing the said petition, the very same petitioner herein, on 03.02.2021 prepared a complaint before the Inspector of Police, S-7, Madipakkam Police Station (Crime), Madipakkam, Chennai, wherein also he made allegation against the said Rajasekar as after the receipt of Rs.2,50,000/- he has not returned the same as agreed. Only thereafter, he chosen to lodge a complaint before the Court.

5. In the said occasion, on going through the impugned order passed by the learned Judicial Magistrate, it was decided that the averments found in the petition do not disclose the cognizance offence, hence, the petition under Section 156(3) Cr.P.C. cannot be invoked. Now, on going through the averments found in the complaint presented either before the Inspector of Police or before the learned Magistrate, it was averred that before the receipt of Rs.2,50,000/-, the said Rajasekar made a false promise alleging that if the amount is given to him, he is ready to repay the same in installment basis. Further, it was averred that after made investment, he himself received Rs.50,000/- per month. Therefore, the said averment found in the complaint would disclose the fact that the said Rajasekar dishonestly induces the petitioner to make a deposit. Further, after made false promise, he received Rs.2,50,000/- by way of cheque, the said averment is sufficient to accept that the petitioner entrusted the money to Rajasekar.

6. Now, it is admitted that the said Rajasekar has not repaid any amount as agreed. It is a prima facie case for constituting the offence under Sections 406 and 420 of IPC. Therefore, this Court is of the opinion that the findings



rendered by the trial Court, is not having any detailed appreciation and hence, the impugned order dated 06.08.2021 is set aside. The learned Judicial Magistrate No.II, Alandur, is directed to forward the complaint dated 03.02.2021 presented by the petitioner in C.M.P.No.911 of 2021 with a direction to register the case and to investigate the same.

7. In the result, the Criminal Revision Petition is allowed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Judicial Magistrate No.II,  
Alandur.
- 2.The Deputy Commissioner of Police,  
St.Thomas Mount, Guindy,  
Chennai - 600 016.
- 3.The Assistant Commissioner of Police,  
Madipakkam,  
Chennai - 600 117.
- 4.The Inspector of Police,  
S-7, Madipakkam Police Station (Crime),  
Chennai - 600 117.
- 5.The Public Prosecutor,  
High Court, Madras-107.

+1cc to Mr.Ganesh Moorthy, Advocate SR. No.13430

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SSD (CO)  
PR (08/03/2022)