



Crl.R.C.No.825 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.825 of 2021

V.Rajeswari

... Petitioner

Vs.

1. The Commissioner of Police,
Veppery, Chennai.

2. The Inspector of Police,
Central Crime Branch -II,EDF-III,
Greater Chennai Police,
Veppery,
Chennai 600 017.

... Respondents

Prayer:Criminal Revision Case filed under Section 397 read with 401(2) Cr.P.C., to set aside the order dated 27.08.2021 in C.M.P.No.3161 of 2021 passed by the Judicial Magistrate No.I , Poonamallee and issue a direction to the Inspector of Police, Central Crime Branch – II, EDF-III, Greater Chennai Police, Veppery, Chennai – 600 017, to register the complaint preferred by the complainant on 26.02.2020 and to file a final report before the competent court of law.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Revision Petition has been filed challenging the order dated 27.08.2021 passed in C.M.P.No.3161 of 2021 passed by the Judicial Magistrate No.I , Poonamallee

2. Learned counsel for the petitioner would submit that she appointed one Devaraj as power agent and subsequently such power was cancelled. But after cancellation of Power of Attorney, life certificate was obtained in the name of death person and fraudulently entered into the transaction. Therefore, she filed the complaint before the respondent police. It is for the respondent police to investigate the matter and to file a charge sheet. Since the respondent police failed to do so, she filed the complaint before the learned Magistrate under section 156(3) Cr.P.C., Learned Magistrate failed to appreciate the petition filed by the petitioner, simply dismissed the petition on the ground that mortgage deed was cancelled and the land was in custody of the complainant and hence there is no cheating or any wrongful loss caused to the complainant. Aggrieved over the same, the petitioner has filed the present Revision Petition.



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3. Learned Additional Public Prosecutor would submit that already mortgage deed was cancelled and the property is in custody of the owner of the property namely the complainant. Therefore, there is no loss to the petitioner/complainant.

4. Admittedly, the mortgage deed said to have been executed by one Devaraj was cancelled, and now the subject property is only with the complainant and also all the records are available with the petitioner and no need to engage a prosecution agency to investigate the matter. Hence, there is no ground to set aside the order of the learned Magistrate and the Criminal Revision Petition filed by the petitioner is liable to be dismissed. Accordingly, the Criminal Revision Petition is dismissed.

28.10.2022

mfa
Index:yes/No
Internet:yes/No



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P.VELMURUGAN, J.

mfa

To

1. The Judicial Magistrate No.I ,
Poonamallee.
2. The Commissioner of Police,
Veppery,
Chennai.
3. The Inspector of Police,
Central Crime Branch -II,EDF-III,
Greater Chennai Police,
Veppery,
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