



Crl.R.C.No.1446 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1446 of 2022

Anandha

... Petitioner

Versus

1.The State rep by its
The Commissioner of Police,
Medavakkam Main Road,
Shollinganallur,
Chennai – 600 119.

2.The Inspector of Police,
Pallikararanai Police Station,
Chennai – 600 100.

... Respondents

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to call for the records from the learned Judicial Magistrate No.II, Alandur in Crl.M.P.No.1723 of 2022 dated 06.08.2022 and direct the respondent to register the case in C.S.R.No.976 of 022 dated 22.04.2022.

For Petitioner : Mr.N.Nagarjuna

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



ORDER

WEB COPY

This Criminal Revision Case has been filed against the order dated 06.08.2022 passed in Crl.M.P.No.1723 of 2022 by the learned Judicial Magistrate No.II, Alandur and to direct the respondent/Police to register the case in C.S.R.No.976 of 022 dated 22.04.2022.

2.The grievance of the revision petitioner is that he has given a complaint to the respondent/Police, which was assigned as C.S.R.No.976 of 2022, but the same has been kept in abeyance without any further action. Hence, he filed a petition under Section 156(3) Cr.P.C before the learned Judicial Magistrate No.II, Alandur to direct the respondent/Police to register the complaint in accordance with law based on C.S.R.No.976 of 2022. The learned Magistrate after considering the materials found that there is no *prima facie* of cognizance offence is made out and dismissed the petition. Aggrieved by the same, the revision petitioner is before this Court.

3. The learned counsel for the revision petitioner submitted that the revision petitioner has given a complaint to the respondent/Police, which was



assigned as C.S.R.No.976 of 2022, but they have not conducted a preliminary enquiry as to whether *prima facie* made out that the allegations reveals the cognizance of the offences. Therefore, the revision petitioner approached the learned Magistrate, however, the learned Magistrate failed to appreciate the entire materials and simply dismissed the petition, which is against the proposition of law lay down by the Hon'ble Supreme Court. It is well settled in the judgment of the Hon'ble Supreme Court in ***Lalita Kumari Vs. Government of Uttar Pradesh and others [2013 (6) CTC 353]***, that registration of an FIR is mandatory under Section 154 of the Code of Criminal Procedure if an information furnished to the police officer disclose commission of a cognizable offence and in cases where the information does not disclose a cognizable offence, a preliminary enquiry has to be conducted. In the case on hand, the respondent/Police have not conducted a preliminary enquiry, hence, the revision petitioner approached the learned Magistrate. However, the learned Magistrate failed to consider the materials placed by the revision petitioner, simply dismissed the petition, which warrants interference of this Court.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the revision petitioner has given a complaint to the



respondent/Police, which was assigned as C.S.R.No.976 of 2022, but the revision petitioner has not co-operated for enquiry or investigation. Further, the revision petitioner without appearing before the respondent/Police as and when called for enquiry, he straightaway approached the Court and he has also replied to the police that he will get the order from the Court. Since C.S.R has not been closed, the learned Magistrate rightly appreciated the entire materials and dismissed the petition. Hence, there is no merit in the revision and the same is liable to be dismissed.

5. Heard the learned counsel for the revision petitioner and the learned Additional Public Prosecutor for the respondent and also perused the materials available on record.

6. Admittedly, the revision petitioner preferred a complaint before the respondent police, for which the respondent/police has also given C.S.R.No.976 of 2022. According to the revision petitioner, the respondent/police has not taken any effective steps either through enquiry or investigation by registering the case. According to the prosecution, after giving complaint the revision petitioner neither appeared before the police nor co-



Crl.R.C.No.1446 of 2022

operated for enquiry or investigation and he straightaway approached the Court.

7. On a careful perusal of the entire records, it reveals that the respondent/Police has given C.S.R.No.976 of 2022 for the complaint given by the revision petitioner and the same is still pending.

8. In the light of the above facts, it is left open to the petitioner to approach the respondent/Police as and when required for enquiry and to co-operate for enquiry. The respondent/Police is directed to make a preliminary enquiry and proceed further with C.S.R.No.976 of 2022 in accordance with law.

9. With the above direction, this Criminal Revision Case is disposed of.

28.10.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

P.VELMURUGAN, J.



Crl.R.C.No.1446 of 2022

ms

WEB COPY

To

- 1.The Judicial Magistrate No.II,
Alandur.
- 2.The Commissioner of Police,
Medavakkam Main Road,
Shollinganallur,
Chennai – 600 119.
- 3.The Inspector of Police,
Pallikararanai Police Station,
Chennai – 600 100.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1446 of 2022

28.10.2022