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Crl.R.C.No.1476 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.1476 of 2022

M.Edwin Christopher

.. Petitioner

/versus/

1.The Assistant Commissioner of Police,
Guduvancherry Range,
Police Commissionarte Office Tambaram,

2.The Inspector of Police,
S14, Peerkenkaranai Police Station,
Chengalpet District.

3.The Inspector of Police,
City Crime Branch,
Tambaram Commissionarte.
(R3 suo moto impleaded as per
order dated 22.11.2022 in Crl.
R.C.No.1476 of 2022)

.. Respondents

Prayer : Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed by the learned Judicial Magistrate No.I, Tambaram in Crl.M.P.No.6124 of 2022 dated 27.10.2022.

For petitioner

... Mr.M.Vijayakumar

For Respondent

... Mr.V.Meganathan, GA (crl.side)



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ORDER

This Criminal Revision Case has been filed against the impugned order passed by the Judicial Magistrate No.I, Tambaram in Crl.M.P.No.6124 of 2022, dated 27.10.2022.

2. The brief averments of the petition filed before the lower Court are as below:-

The respondents 3 and 4 namely, Ramachandran and Vichitra approached the petitioner to purchase land situated at S.No.154/1A and 154/1B, Irumpuliyur Village, Tambaram Taluk, measuring about 140 cents. The owner of the properties are Kishnan and Jayamma and their legal heirs namely, Kannan and others. The petitioner arranged the sale of the above said property to the 3rd and 4th respondents and negotiated the same. After confirming the sale, 3rd and 4th respondents assured that they will pay Rs.3 crores to the petitioner. The petitioner worked one year for collection of documents for smooth sale and sale proceeds. The property was cleaned by using JCB, sale took place on 14.05.2018, registered at Sub Register, Tambaram document No.3110/2018. After completion of sale, 3rd and 4th respondents have not paid Rs.3crores. The 3rd respondent handed over



Memorandum of Understanding on 06.06.2018 at Coimbatore in Hotel Alangar Residents, Ram Nagar. The sale consideration was fixed a sum of Rs.4,50,00,000/-, even though market value of the property at the time of sale is a sum of Rs.20,00,00,000/- and the guideline value of the property is Rs.8,50,00,000/-. The respondent denied the genuineness of the MOU. Sale deed was not paid full stamp duty. Hence, after referring U/s 47 A of Stamp Act, registration has been cleared and Original sale deed was handed over to the 3rd and 4th respondents. After selling the property, they did not pay the amount to the petitioner.

3. Thereafter, the 3rd and 4th respondents mortgaged the property in Repco Bank, Coimbatore Branch, obtained sum of Rs.10 crores, during January 2019 and they said that they will pay Rs.3 crores in the month of March 2019, but they did not pay the money and had given criminal intimation to the petitioner's father and if the money was asked, they will eliminate the petitioner's life.

4. The petitioner's father had given a complaint on 15.03.2019 but no action was taken. Hence, he filed a petition under Section 156(3) of Cr.P.C., before the Judicial Magistrate, Tambaram in Crl.M.P.No.3585 of



2019 to register a case as against the respondents 3 and 4 and the same was ordered to register a case against the respondents 3 and 4. Even after the police has not taken any action. The petitioner's father filed another petition in Crl.O.P.No.20336/2019 before the Hon'ble High Court, the same was closed with liberty to challenge the Closer Report. Subsequently, the petitioner's father died in the month of October 2020.

5. The petitioner filed a petition before the High Court in Crl.O.P.No.12107/2021 to register the case, the same was dismissed with a direction to give closer report, but till date no closer report has been given. The respondents police foisted two cases against the petitioner in Peerankaranai Police Station and CCB, Chennai in Crime No.135/2022 and Crime No.136/2022 respectively and based on the two cases, the Respondents detained the petitioner under Act 14. The High Court quashed the detention order and set the petitioner at liberty. Now, the above two foisted cases are pending for investigation. On 02.03.2022, the petitioner approached the 3rd and 4th respondents for 3 crores, but they threatened with dire consequence.



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6. The petitioner has given a complaint before Peerkankaranai Police Station on 02.03.2022, no action was taken, hence on 05.02.2022, he has given a complaint to the Assistant Commissioner of Police, Guduvancherry Range. The 1st respondent enquired and submitted the report to the Commissioner of Police, Tambaram, by asking permission to register the case U/s 182, 417, 506(ii) r/w 34 IPC. The 1st respondent examined three persons and got opinion that the offence is made out. Till date, no permission was given to register the case. Hence, the petitioner filed a petition in Crl.M.P.No.6124 of 2022 seeking a relief to register FIR on the complaint dated 05.03.2022 and 02.03.2022 respectively and investigate the same.

7. After considering the same, the learned Magistrate relying upon the judgment of the Hon'ble Supreme Court in Crl.A.No.781 of 2012, dated 19.03.2015 dismissed the petition on 23.08.2022. Against which, the petitioner filed a petition in Crl.R.C.No.1288 of 2022 before the High Court to set aside the order made in Crl.M.P.No.6124 of 2022 dated 23.08.2022 and the same order was set aside on 09.09.2022 and the matter was remitted back to the Judicial Magistrate No.1, Tambaram. Again, the petition in Crl.M.P.No.6124 of 2022 was taken up by the trial Court for further hearing



on 27.10.2022 which was also dismissed on the same day itself. Against which, the petitioner preferred the present Criminal Revision Case.

8. Heard both sides and perused the materials available on record.

9. On verification of the records, the fact reveals that the petitioner filed a petition in Crl.M.P.No.6124 of 2022 before the Judicial Magistrate-I, Tambaram under Section 156(3) of Cr.P.C for forwarding the same to the respondents 1 and 2 for registration of the case and after investigation file final report. Further, on verification of the records, it reveals that the petitioner filed only an affidavit and petition and not any complaint as contemplated in the Criminal Procedure Code. In the absence of any complaint, based upon the affidavit and petition, it cannot be possible to forward the petition filed for registering the case under Section 156(3) of Cr.P.C. Therefore, I do not find any merit in the Criminal Revision Case.

10. Accordingly, this Criminal Revision Case is disposed of with a liberty given to the petitioner to file a fresh complaint as contemplated under Section 156 Cr.P.C, before the Magistrate concerned. On receiving the complaint, the learned Judicial Magistrate may decide the case on merits and



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in accordance with law, within a period of three weeks, from the date of receipt of a copy of this order.

22.12.2022

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Index:yes/no

To:

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- 2.The Assistant Commissioner of Police,
Guduvancherry Range,
Police Commissionarte Office Tambaram,
- 3.The Inspector of Police,
S14, Peerkenkaranai Police Station,
Chengalpet District.
- 4.The Inspector of Police,
City Crime Branch,
Tambaram Commissionarte.
- 5.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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