



Crl.R.C.No.1581/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:: 15.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.1581 of 2022

1. K. Nagarajan
2. N. Bhanumathi

.. Petitioners

Vs.

The State, represented by
the Inspector of Police (Law and Order)
S-14, Peerankaranai Police Station,
Chennai 600 063.

.. Respondent

PRAYER: Criminal Revision case filed under sections 397 r/w. 401 of Cr.P.C., to set aside the order passed in Crl.M.P.No.8073 of 2022, dated 04.11.2022 by the learned Judicial Magistrate Court No.1, Tambaram.

For Petitioners : Mr.R. Manickavel

For Respondent : Mr.V.Meganathan, GA (crl.side)



Crl.R.C.No.1581/2022

ORDER

This Criminal Revision is filed against the dismissal of petition filed by the petitioners before the Judicial Magistrate I, Tambaram seeking a direction to register an FIR on their complaint dated 10.05.2022 against one Selvam for the alleged offences punishable under sections 417, 418 and 420 r/w.405 and 406 IPC for cheating and criminal breach of trust.

2. The learned counsel for the petitioners contended that the petitioners gave a complaint dt 10.05.2022 to the respondent police. Since the respondent police did not take action on the same, he lodged a complaint before the Deputy Commissioner of Police, Tambaram on 16.05.2022. As he has also did not take any action on the complaint and register a case, he filed an affidavit and petition before the Judicial Magistrate under section 156(3) Cr.P.C., to register the FIR and investigate the same. However, the learned Magistrate has dismissed the complaint as not sustainable on the ground that the issue is civil in nature and no prima facie case is made out. Challenging the dismissal of their complaint by the Magistrate, they preferred the present Criminal Revision Case.



Crl.R.C.No.1581/2022

3. He further contended that the learned Magistrate without considering the documents relied on by the petitioners, which lays the foundation and vital piece of evidence to prove the criminal liability and the ingredients to constitute the offences under sections 420, 405 and 406 IPC, dismissed their complaint on the ground that the issue involved is civil in nature. Thus, he prayed for setting aside the impugned order and to direct the respondent police to register the complaint given by the petitioners.

4. Heard the learned Govt. Advocate (crl.side) appearing for the respondent.

5. Considered the submissions of both sides and perused the materials available on record.

6. A perusal of the records would reveal that the petitioners, on 16.5.2022, gave a complaint to the Deputy Commissioner of Police, Tambaram, with regard to cheating of Rs.35 lakhs by the alleged accused. Since the police had not taken any action upon the complaint, they filed an



Crl.R.C.No.1581/2022

affidavit and petition under section 156(3) Cr.P.C., before the Judicial Magistrate, Tambaram. The Magistrate dismissed the complaint on the ground that since the allegation in the affidavit discloses that the issue involved therein is civil in nature, no prima facie case has been made out. Further, on perusal of records, it is seen that the petitioners have not filed any complaint against the said Selvam as contemplated under section 200 of Cr.P.C., for being forwarded the same to police for registering a case under section 156(3) Cr.P.C. Therefore, I find no merits in this petition.

7. Therefore, this Criminal Revision Case is dismissed with liberty to the petitioner to file a fresh complaint before the learned Magistrate, and on receipt of such complaint, the learned Magistrate shall consider the same and pass orders on merits and in accordance with law.

15.12.2022

Index: yes/no
Internet: yes/no
msr



Crl.R.C.No.1581/2022

To

1. The Judicial Magistrate I, Tambaram.
2. The Inspector of Police (Law and Order)
S-14, Peerankaranai Police Station,
Chennai 600 063
3. The Public Prosecutor,
High Court, Madras.

V. SIVAGNANAM, J.

msr



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Crl.R.C.No.1581/2022

Crl.R.C.No.1581 of 2022

15.12.2022