



Crl.R.C.No.252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.252 of 2023

M.Devi

... Petitioner

Vs.

The Inspector of Police (Crime)
M-3, Puzhal Police Station,
Chennai 600 066.

... Respondent

Prayer : Criminal Revision filed under Section 397 & 401 of Criminal Procedure Code 1973,

- (i) to call for the records in Crl.M.P.No.582 of 2022 dated 12.10.2022 on the file of the learned District Munsif cum Judicial Magistrate, Madhavaram;
- (ii) Examine the correctness and propriety of the order dated 12.10.2022 in Crl.M.P.No.582 of 2022 passed by the learned District Munsif cum Judicial Magistrate, Madhavaram and set aside the same.

For Petitioner : Mr.R.Arunkumar

For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl.side)



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ORDER

The petitioner is the defacto complainant in Crime No.2815/2020 of M3 Puzhal Police Station, Chennai. She lodged a complaint with the Sub Inspector of Police, Puzhal Police Station stating that her Ashok Leyland lorry bearing Registration No.TN 28 AC 7403 is missing. The Sub Inspector of Police, after conducting investigation filed a referred charge sheet before the Judicial Magistrate, Madhavaram stating that the vehicle is 'undetectable'. Thereafter, the defacto complainant filed a protest petition in Crl.M.P.No.582 of 2022 and the said petition was dismissed by the learned District Munsif cum Judicial Magistrate, Madhavaram vide his orders dated 12.10.2022. Challenging the same, the present revision is filed.

2. Mr.R.Arunkumar, learned counsel for the petitioner contended that though the revision petitioner specifically suspected one Dhandapani and one Shaji and informed the same to the Police, the Police did not conduct proper investigation.



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3. This Court perused the statements of Dhandapani recorded by the Police under Section 161 (3) Cr.P.C., in which the said Dhandapani had specifically averred that he is also suspecting one Shaji. However, the Police had not examined the said Shaji. A bare perusal of the Case Diary (CD file) shows that the investigation has not been conducted in proper manner. Therefore, this Court directs the Assistant Commissioner of Police, Madhavaram to investigate the case properly after reopening the complaint given by the defacto complainant.

4. With the above observation, this Criminal revision is allowed. The order, passed by the District Munsif cum Judicial Magistrate, Madhavaram in Crl.M.P.No.582 of 2022 dated 12.10.2022 is set aside.

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Index: Yes/No
Speaking/Non-Speaking order
vum



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R. HEMALATHA, J.

vum

To

- 1 The Assistant Commissioner of Police,
Madhavaram, Chennai.
- 2.The Inspector of Police,
M-3, Puzhal Police Station,
Chennai 600 066.
3. The District Munsif cum Judicial Magistrate,
Madhavaram.

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