



Crl.R.C.No.156 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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Srinivasamoorthy

... Petitioner

Versus

1.State rep by

Inspector of Police,
District Crime Branch,
Thiruvallur District.

2.Abbrakhan

3.Kajukhan

4.Vikram Bathav Rajaput

... Respondents

PRAYER : Criminal Revision petition filed under Section 397 r/w 401 of Cr.P.C. praying to set aside the order dated 21.02.2020 made in C.M.P.No.3366 of 2019 on the file of the Judicial Magistrate Court-I, Ponneri and to allow the above Criminal Revision Petition.

For Petitioner : Mr.P.Narayana Prasad
for Mr.R.Suresh Kumar

For Respondent-1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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This petition has been filed to set aside the order dated 21.02.2020 made in C.M.P.No.3366 of 2019 on the file of the Judicial Magistrate Court No.I, Ponneri and to allow the above Criminal Revision Petition.

2. The petitioner earlier filed a complaint before the Judicial Magistrate No.I, Ponneri under Section 156(3) Cr.P.C. to issue a direction to the respondent police herein to register an F.I.R. In the complaint, the petitioner arrayed respondents 2 to 4 herein as Accused 1 to 3.

3. The gist of the complaint is that during the year 2015, the petitioner was working in Om Sai Engineering Limited at Indoor. At that time he was stayed at Hotel Udaya Palace, Udayanagar, Indoor, Madhya Pradesh. The respondents 2 to 4/accused 1 to 3 were staying in the same hotel in the next room to the petitioner and hence they developed friendship. During the conversation the accused persons informed that they got wide



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contacts in Western Railway department and they have a capacity to provide employment to 400 persons. Believing their representation, the petitioner had contacted his friends and relatives of 37 persons. From them a total amount of Rs.1,33,00,000/- was collected for the employment and deposited through ATM to the proposed accused. Thereafter, an appointment order was issued from the Western Railway department calling upon the candidates to present before the Zonal Railway Training Institute, Udaipur. Thereafter, 34 persons have gone there, at that time they were informed that the appointment orders are false and manipulated one and the candidates were cheated to the sum of Rs.1,33,00,000/-. For this reason, the petitioner had lodged a complaint with the Superintendent of Police, Thiruvallur and the same was forwarded to the first respondent on 03.09.2019. Thereafter, the first respondent had not taken any action . Hence, this petition.

4. Learned Additional Public Prosecutor submits that the trial Court after receipt of the petitioner's complaint, heard the petitioner, perused the



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records and passed a detailed order. From the lower Court order it is seen that the petitioner admits that he had developed friendship with the proposed accused and he had collected money to the tune of Rs.1,33,00,000/- from 37 prospective candidates promising their job in Western Railway. He received appointment orders from the proposed accused and handed over the same to the 37 candidates. Later, the appointment order found to be forged and the 37 candidates have been cheated to the tune of Rs.1,33,00,000/-. Further as regards the cheating committed by the proposed accused, already a case has been registered by the Special Task Force in Bhopal and arrested some persons viz., (i) Kingpin Vikram Batham, Divisional Railway Manager (DRM) Ratlam, (ii) Madan Gurjar of Betul, (iii) Pravin Badode of Bhopal, (iv) Baburao Mohne of Betal and (v) Prakash Lodhi of Bhopal and they have been named as accused and investigation commenced. This fact is also known to the petitioner, who had produced details about the same before the trial Court. Finding that an F.I.R. has been registered by a Special Task Force in this regard, it is for the petitioner to approach the concerned Special Task



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Force and lodge a complaint and no second F.I.R. can be registered for the same cause of action. The Lower Court had rightly dismissed the petition.

Hence, prayed for dismissal of the above petition.

5. Considering the submissions made and on a perusal of the material it is not in dispute that the petitioner was staying at Om Sai Engineering Limited at Indoor and during his stay, he came in contact with the proposed accused/Respondents 2 to 4 and on their promise he had contacted 37 prospective candidates, collected money and sent the money through ATM to the accused and thereafter received appointment order and handed over the same to the 37 candidates. Later it was found to be forged. It is also not in dispute that the petitioner himself had produced material about the investigation conducted by the Special Task Force. Investigation with regard to employment in Western Railway department already commenced. In such circumstances, registering of second F.I.R. for the same cause of action would not arise and any complaint if so, would be only a further



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statement as held by the Hon'ble Apex Court in the case of ***T.T.Antony vs.***

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State of Kerala reported in ***2001 6 SCC 181***. Now the petitioner is aware about the registration of a case by the Special Task Force. It is for the petitioner to approach the Special Task Force, give his statement and produce the materials in this regard. The trial Court considered all these aspects and rightly dismissed the petition filed by the petitioner. This Court finds no reason to interfere with the orders passed by the trial Court.

6. Accordingly, this Criminal Revision Case is dismissed.

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Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order
rsi



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To

1. Inspector of Police,
District Crime Branch,
Thiruvallur District.
2. The Judicial Magistrate No.I,
Ponneri.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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