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Crl.R.C.No.606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.606 of 2023

Rafeek

Petitioner

...

/vs/

State Rep by

The Inspector of Police,
F-2, Egmore Police Station,
Chennai 60 008

... Respondent

Prayer : Criminal Revision Case filed under section 397 r/w 401 of Cr.P.C, to set aside the order of the learned XIV Metropolitan Magistrate dated 23.02.2023 made in Crl.M.P.No.3548 of 2023 and direct the respondent Police to register the FIR based on the petitioner's complaint dated 24.03.2022.

For petitioner ... Mr.M.Rajasekaran

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



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ORDER

Challenging the order dated 23.02.2023 passed by the 1st respondent in Crl.M.P.No.3548 of 2023, this Criminal Revision is filed by the petitioner.

2.The learned counsel for the petitioner submitted that the accused / Iqbal Ahmed, had borrowed a sum of Rs.58,00,000/- from the petitioner and his brothers on various dates. He further submitted that the petitioner's brother, namely Hameed Saleem, who is a differently-abled person, was under the care of the accused. All of a sudden, he died and at the time of last rituals to him, the petitioner came to know that a sum of Rs.5,00,000/- kept in the locker, was stolen by the accused. In this regard, the petitioner gave a complaint to the respondent/Police. Since they have not taken any action on the complaint, the petitioner filed a complaint before the Metropolitan Magistrate Court at Egmore, Chennai for forwarding the same under Section 156(3) of C.P.C to register the case and to investigate and file a



final report. The learned Judge, without considering any aspects, dismissed the said petition on the ground that no *prima-facie* offence has been made out for taking cognizance of the complainant and not a fit case for forwarding it to the respondent/Police to register the case. Hence, the petitioner has filed this revision.

3.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing on behalf of the respondent.

4.On a perusal of the records, it is seen that the complainant has alleged that the accused Iqbal Ahmed was introduced by one Sikkanthar, who is none other than the brother-in-law of the accused. Thereafter, the said Iqbal Ahmed undertook to take care of his physically disabled brother, namely Hameed Saleem as care taker. Under this relationship, the petitioner gave a sum of Rs.58,00,000/- to the accused on various dates for his business development. Further on 04.01.2021, it was informed by the accused that his brother died. Immediately, he came to Chennai and found that Rs.5.00,000/- was



missing in the Locker. All the allegations made in the complaint do not support with any materials and it is not known as to on which date, Rs.58,00,00/- was given to the accused. There are also no sufficient materials for keeping Rs.5,00,000- in the Locker as alleged by the complainant. Under these circumstances, the trial Court found that no *prima facie* offence is made out for forwarding the complaint to the respondent/Police under Section 156(3) Cr.P.C for registering the case and to investigate and file a final report. Considering the allegations made in the complaint and in absence of materials to support the same, the learned Judge has rightly found that there is no necessity to forward the complaint to the respondent/Police for registering the case. I find no infirmity in the impugned order of the trial Court. Accordingly, this revision is dismissed.

03.04.2023

srn

To

1. The Inspector of Police,
F-2, Egmore Police Station, Chennai 60 008



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2. The Public Prosecutor,
High Court, Madras.

3. XIV Metropolitan Magistrate, Chennai.



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V.SIVAGNANAM, J.

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