



Crl.R.C. No.898 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.R.C.No. 898 of 2023

T. Muthuraj

...Petitioner

Vs.

1. The State of TN rep. by
Inspector of Police
Virugambakkam Police Station
Cr. No. not known/2021

2. Ilamvazhuthi
Sub Inspector of Police
Virugambakkam Police Station
Chennai

...Respondents

Prayer : Criminal Revision Case filed under Section 397 & 401 Cr.P.C.
against the order dated 24.08.2022 passed in Crl.M.P.No. 17 of 2022 on
the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

-

For Petitioner : Mr. S.N. Subramani

For R1 : Mr.R. Vinothraja
Government Advocate (Crl. Side)



WEB COPY



Crl.R.C. No.898 of 2023

ORDER

Challenging the orders dated 24.08.2022 passed in Crl.M.P.No. 17 of 2022 by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai. this Criminal Revision case is filed.

2. The facts leading to the filing of the revision are as follows:

- i. The revision petitioner is the accused in Crime No.23/2021 of All Women Police Station, Vadapalani, Chennai, for the offences punishable under Sections 365, 420, 506(i) IPC and 6 of POCSO Act.
- ii. The Investigating Officer, after completing the investigation, filed a final report before the XXIII Metropolitan Magistrate, Saidapet, Chennai, against the present revision petitioner for the abovesaid offences, and the same was numbered as Spl. S.C. No.150/2022.
- iii. The present revision petitioner filed a petition in M.P. No.17/2022 under Section 451 r/w 457 Cr.P.C. seeking for return of 4 sovereign gold chain allegedly seized by the Sub Inspector of



Crl.R.C. No.898 of 2023

WEB COPY

Police, Virugampakkam Police Station, Chennai (2nd respondent), where the complaint was initially lodged.

- iv. The contention of the petitioner is that the Sub Inspector of Police, Virugampakkam Police Station, summoned the present petitioner to the police station and under the guise of enquiry, seized his 4 sovereign gold chain and also demanded a sum of Rs. 3 lakhs from him. Since he did not pay the said amount, a false case was foisted against him under various provisions.
- v. The learned XXIII Metropolitan Magistrate, Saidapet, Chennai, dismissed the said petition on the ground that the present petitioner did not lodge any police complaint for the alleged commission of offence by the 2nd respondent and therefore when no enquiry or trial is pending in this regard before the Court, the petition is not maintainable under Section 451(8) Cr.P.C.
- vi. Aggrieved over the same, the present Criminal Revision Case is filed.



Crl.R.C. No.898 of 2023

WEB COPY

3. Mr. S.N. Subramani, learned counsel for the revision petitioner contended that the present revision petitioner actually preferred a complaint through Registered Post with acknowledgment due against the Sub Inspector of Police, Virugambakkam Police Station and that the police did not take any action. However, a copy of the complaint is not filed in the typed set of papers. The learned Government Advocate appearing for the 1st respondent would contend that no such complaint was lodged by the present revision petitioner and that the trial court has passed a well considered order while dismissing the petition filed by the present revision petitioner. He therefore, prayed for dismissal of the present petition.

4. The specific allegation of the revision petitioner is that the Sub Inspector of Police, Virugampakkam Police Station, Chennai, seized his 4 sovereign gold chain at the time of enquiry. It is relevant to point out that the petitioner already filed a Writ Petition in W.P.No.5/2022 before this Court seeking transfer of investigation in Crime No.23/2021 pending on the file of the Inspector of Police, All Women Police Station,

Page 4 of 7



Crl.R.C. No.898 of 2023

WEB.COM

Vadapalani, Chennai, to some other agency, and the same was dismissed by this Court on 03.08.2022. In the affidavit filed in support of that Writ Petition, in paragraph No.11, the present petitioner had stated that the Assistant Commissioner of Police Vadaplanai, the Inspector of Police and Sub Inspector of Police, All Women Police Station, Vadapalani, Chennai, and Sub Inspector of Police, Virugambakkam Police Station, Chennai, demoralised him in the society, snatched his gold chain, foisted a false case against him. In the present case his specific allegation is against the Sub Inspector of Police, Virugambakkam Police Station, Chennai. If the police had not taken any action against his complaint, he should have approached the concerned Magistrate Court by way of filing a private complaint under Section 200 Cr.P.C. This has not been resorted to by the present petitioner. In the circumstances, I do not see any reason to interfere with the orders passed by the trial court.



Crl.R.C. No.898 of 2023

WEB COPY

5. In the result,

- i. the Criminal Revision is dismissed.
- ii. The order dated 24.08.2022 passed in Crl.M.P.No. 17 of 2022 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, is confirmed.

16.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga

To

1. The State of TN rep. by
Inspector of Police
Virugambakkam Police Station
Cr. No. not known/2021
2. Ilamvazhuthi
Sub Inspector of Police
Virugambakkam Police Station
Chennai
- 3.XXIII Metropolitan Magistrate, Saidapet, Chennai.



WEB COPY



Crl.R.C. No.898 of 2023

R. HEMALATHA, J.
bga

Crl.R.C.No. 898 of 2023

16.08.2023