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Crl.R.C.Nos.581 & 582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.R.C.NOS.581 AND 582 OF 2023

S.Jaganadhan	...	Petitioner in Crl.R.C.No.581/2023
L.N.Chandrasekaran	...	Petitioner in Crl.R.C.No.582/2023

Vs.

The State represented by The Inspector of Police EDF-I Wing Team – I, Central Crime Branch, Vepery, Chennai – 600 007.	...	Respondent in both Crl.R.Cs'
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PRAYER: Criminal Revision Cases filed under section 397 r/w 401 of Criminal Procedure Code to set aside the order dated 03.01.2023 and 24.01.2023 respectively, made in Crl.M.P.Nos.29897 of 2022 and 29891 of 2022 respectively, on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases at Egmore, Chennai.



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For Petitioner ... Mr.M.Guruprasad
(in both Crl.R.Cs')

For Respondent ... Mr.R.Vinothraja
(in both Crl.R.Cs') Government Advocate (Crl.Side)

COMMON ORDER

Challenging the order dated 03.01.2023 and 24.01.2023 respectively, made in Crl.M.P.Nos.29897 of 2022 and 29891 of 2022 respectively, by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases at Egmore, Chennai, the petitioners are before this Court.

2. The learned counsel for the petitioners submitted that the learned Magistrate while considering the complaints of the petitioner, for forwarding them to the respondent police under Section 156(3) Cr.P.C., dismissed the same on the ground that the Court has no jurisdiction to direct the respondent police to register an FIR since the amount involved in the offence is Rs.37,50,000/-, whereas, the respondent police is having jurisdiction to investigate for the offences involved more than Rs.50,00,000/-. The reason assigned by the learned Magistrate in the



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impugned orders is not sustainable and for want of jurisdiction, a complaint cannot be rejected and it may be forwarded to the jurisdictional police and hence, seeks to set aside the same.

3. The learned Government Advocate (Criminal Side) submitted that the respondent police has closed the complaint on the ground that they are having jurisdiction to investigate only the matter involves more than Rs.50,00,000/-.

4. I have considered the matter in the light of submissions of the learned counsel for the petitioner and the respondent.

5. On perusal of the records and the impugned orders, it is noticed that the petitioners have not filed any complaint before the learned Magistrate as contemplated under Section 156(3) Cr.P.C., but filed only an affidavit and petition seeking to forward it to the respondent police for investigation and for registering a case. In the considered opinion of this Court, an affidavit cannot be treated as a complaint and forwarded to the concerned police under Section 156(3) Cr.P.C., for registering a case.



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Therefore, the learned Magistrate dismissed the same with unacceptable reason. Since the petitioners have not filed any proper complaint before the learned Magistrate, it cannot be order now to forward it under Section 156(3) Cr.P.C., for registering a case and to investigate into the same. Therefore, these petitions are not maintainable. However, the petitioners are granted liberty to file a fresh and proper complaint before the jurisdictional Magistrate and on receiving such complaint, the learned Magistrate concerned is directed to consider the same and pass orders on merits and in accordance with law.

6. With the above observation and direction, these Criminal Revisions are disposed of.

29.03.2023

Internet : Yes/No
Speaking / Non-speaking order
TK



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To

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- 1.The Metropolitan Magistrate for
Exclusive Trial of CCB Cases
(relating to Cheating Cases in Chennai) and
CBCID Metro Cases)
Egmore, Chennai.
- 2.The Inspector of Police
EDF-I Wing Team – I,
Central Crime Branch,
Vepery, Chennai – 600 007.
- 3.The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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V.SIVAGNANAM, J.

TK

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