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Crl.R.C.No.547/20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED::30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.547 of 2022

A. Arul Arasu

.. Petitioner

Vs.

State of Tamilnadu,
represented by Inspector of Police,
EDF-1, Team-1 CCB,
Veperi, Chennai

.. Respondent

PRAYER: Criminal Revision case filed under sections 397 and 401 of Cr.P.C., praying to set aside the order of the learned Judicial Magistrate No.1, Tambaram made in Crl.M.P.No.1871 of 2022, dated 13.04.2022, allow the MP.

For Petitioner : Mr.M. Devaraj

For Respondent : Mr.V. Meganathan, GA (crl.side)

ORDER

This Criminal Revision has been filed challenging the order passed by the Judicial Magistrate No.1, Tambaram in Crl.M.P.No.1871 of 2022, dated 13.04.2022 .



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2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner has filed a private complaint before the Judicial Magistrate No.1, Tambaram under section 156(3) Cr.P.C., seeking to give a direction to the respondent police to register his complaint given for the offence under sections 120(b), 406, 420, 418 and 109 r/w.34 IPC, but the learned Magistrate dismissed the said complaint as it is civil in nature.

3. On perusal of records, it is found that the petitioner has filed only an affidavit and petition before the Magistrate court and not a complaint as contemplated under the Criminal Procedure Code. Therefore, the impugned order is hereby set aside with liberty to the petitioner to file appropriate complaint before the Judicial Magistrate No.1, Tambaram and on receipt of such complaint, the Judicial Magistrate No.1, Tambaram, may consider the complaint and pass orders on the same on merits and in accordance with law.

30.01.2023

Index: yes/no
Internet: yes/no
msr



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To

1. The Inspector of Police,
EDF-1, Team-1 CCB,
Veperi, Chennai
2. The Judicial Magistrate No.1, Tambaram,
3. The Public Prosecutor, High Court, Madras.



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V. SIVAGNANAM, J.

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