



Crl.R.C.No.917 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.917 of 2023

Abhishek

...

Petitioner

/vs/

The Inspector of Police,(L & O)
T6 Avadi Police Station,
Avadi, Chennai 600 054

...

Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 & 401 Cr.P.C. to set aside the order dated 19.09.2022 passed by the Judicial Magistrate No.II, Poonamallee in Crl.M.P.No.2979 of 2022 .

For Petitioner

...

Mr. V.R.Balasubramanian

For Respondent

...

Mr.R.Vinothraja
Govt.Advocate (Crl.side)

ORDER

The Criminal Revision Case has been filed challenging the impugned order dated 19.09.2022 passed by the Judicial Magistrate No.II, Poonamallee in Crl.M.P.No.2979 of 2022.



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2.The learned counsel for the petitioner submitted that the petitioner filed a petition and affidavit before the Judicial Magistrate No.II, Poonamallee to direct the respondent to register a case against the accused, which was taken on file in Crl.M.P.No.2979 of 2022 and the same was dismissed for default on 19.09.2022. Hence, seeks to restore the order,ddated19.09.2022.

3. Heard the learned Government Advocate(crl.side) appearing for the respondent.

4. On perusal of the records, it is noticed that the petitioner had not filed any complaint under Section 156(3) Cr.P.C. for forwarding the same to the police for registering the case. But, he filed an affidavit and petition alone. Under these circumstances, this Criminal Revision case is not maintainable.

5. At this stage, the learned counsel for the petitioner seeks liberty to file a fresh complaint before the Judicial Magistrate .



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WEB COPY 6. Recording the same, this Criminal Revision Case is dismissed with liberty to the petitioner to file a fresh complaint and on receipt of the same, the learned Magistrate is directed to dispose the same on its own merits and in accordance with law.

Index : Yes/No
Internet : Yes/No
mrp

08.06.2023

To

- 1.The Judicial Magistrate No.II,
Poonamallee
2. The Inspector of Police, (L & O)
T6 Avadi Police Station,
Avadi, Chennai 600 054
- 3.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

mrp

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