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Crl.RC.No.462 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2023

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.RC.No.462 of 2021

N.Balasubramanian

...Petitioner

-Vs-

1. K.Rajkumar
2. Sheela
3. Pari @ Parthiban
4. Parthasarathy
5. The Investigation Officer,
K.2 Police Station, Ayanavaram,
Chennai.23.

...Respondents

Prayer - Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., to set aside the order dated 10.11.2020 in RCS No.35 of 2020 passed by the learned Vth Metropolitan Magistrate, Egmore, Chennai.8 in Cr.No.601 of 2011, K2 Police Station, Ayanavaram, Chennai.

For Petitioner : Party in Person

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side) for R5



ORDER

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The Petitioner/Party-in-person refused the advice of the Court, to the query put to the Party-in-person/complainant what will be the effect of the setting aside the order passed by the Learned V Metropolitan Magistrate, Egmore, Chennai accepting the closure report of the Investigating Officer, he is unable to answer in this Criminal Revision Case. The Respondents/Accused are arrayed as respondents, notice was not served. Therefore, this court had ordered notice through daily newspaper Dhinamani, Dhinathanthi, Dhinamalar, Dhinakaran anyone as per option of the Revision Petitioner. Accordingly, he had taken publication, it can be taken sufficient notice on the Respondent/Accused.

2. It is the contention of the Petitioner/Party-in-person that he is a practicing lawyer. Only when the police refused to register FIR, he had approached the High Court by filing Crl.O.P.No.22948 of 2010. In the light of the direction of Hon'ble High Court in Crl.O.P.No.22948 of 2010 only the FIR was registered. Subsequent to the registration of FIR the police failed to proceed with the investigation. Instead the Respondent/Police filed RCS before the learned V Metropolitan Magistrate, Egmore, Chennai. The learned V Metropolitan Magistrate,



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Egmore, Chennai had dismissed the Criminal Miscellaneous Petition filed by the petitioner as protest petition. Aggrieved by the same, he had preferred this Criminal Revision Case. The Party-in-person is directed to file a private complaint against the accused to protect his right. Also the learned V Metropolitan Magistrate, Egmore, Chennai is directed to furnish the petitioner the copies of the documents that he had already furnished while filing the protest petition, to prove his contention in the criminal complaint that has to be filed by him. This Criminal Revision Case is disposed of with direction to the Petitioner/Party-in-person .

27.09.2023

gvn/shl
Index : Yes/No
Speaking/Non-speaking order

To

1. The V Metropolitan Magistrate,
Egmore,
Chennai.
2. The Investigation Officer,
K.2 Police Station, Ayanavaram,
Chennai.23.
3. The Government Advocate (Crl.Side),
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP, J.,

gyn/shl

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