



Crl.R.C.No.879 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.879 of 2023

Suresh

...

Petitioner

/vs/

The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram,
Chennai 600 013

...

Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 & 401 Cr.P.C. to call for the records related to the order dated 24.04.2023 passed in Crl.M.P.No.3176 of 2023 on the file of the learned XVI Metropolitan Magistrate at George Town and set aside the same and consistently direct the respondent police to register an FIR based on the petitioner's complaint dated 16.08.2022.

For Petitioner

...

Mr.Thiyagarajan B

For Respondent

...

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



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ORDER

The Criminal Revision Case has been filed challenging the impugned order dated 24.04.2023 passed by the XVI Metropolitan Magistrate, George Town in Crl.M.P.No.3176 of 2023.

2.The learned counsel for the petitioner submitted that the petitioner filed a petition and affidavit before the XVI Metropolitan Magistrate, George Town, Chennai, which was taken on file in Crl.M.P.No.3176 of 2023. After considering the same, the learned Magistrate dismissed the abovesaid petition, by the impugned order dated 24.04.2023. Challenging the same, the present Criminal Revision Case has been filed.

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

4. On considering the submission of the learned counsel for the petitioner and on perusal of the records, it is noticed that the petitioner has not filed any complaint before the learned Magistrate under Section 156(3) Cr.P.C. for forwarding the same to the police for registering the case and further investigation. But, he filed an affidavit and petition alone. Under these circumstances, in the absence of any complaint before the Judicial Magistrate, this revision is not maintainable.



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

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 XVI Metropolitan Magistrate,
George Town,
Chennai.
2. The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram,
Chennai 600 013
- 3.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM,J.

mrp

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