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Crl.R.C.No.1439 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

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THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.1439 of 2022

S.Mahesh

... Petitioner

Vs.

State rep. by
The Assistant Commissioner of Police,
EDF-III, Team-XX,
Central Crime Branch -II,
Chennai.

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order dated 14.07.2022, in Crl.M.P.No.9191 of 2022 in CNR No.TNCHOF-014720-2022 on the file of the CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai-600 008.

For Petitioner

: Mr.A.Kalaiselvan

For Respondent

: Mr.V.Meganathan
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case is filed, praying to set aside the impugned order dated 14.07.2022, in Crl.M.P.No.9191 of 2022 in CNR No.TNCHOF-014720-2022 on the file of the CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai-600 008.

2.The learned counsel for the petitioner submitted that the petitioner had filed a petition before the learned Judicial Magistrate stating that he has forwarded a complaint to the respondent Police under Section 156(3) Cr.PC, against certain persons alleging that for the purpose of cheating the petitioner they have fabricated certain documents.

3.After considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate(Crl side), it was brought to the knowledge of the learned Magistrate that the allegations pertaining to the criminal complaint happened at Thiruvannamalai District and cause of action arose at Thiruvannamalai jurisdiction. Hence, the



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respondent police has forwarded the complaint received from the complainant to the Superintendent of Police, Thiruvannamalai District. The learned counsel for the petitioner contended that without registering the FIR, a complaint ought not to be transferred, but the respondent police has forwarded the said complaint to the jurisdictional police without registering the same. Hence, irrespective of the learned Magistrate having jurisdiction or not having jurisdiction, they can forward the complaint under Section 156(3) Cr.PC before the concerned jurisdictional Police for registering the FIR and filing a final report.

4. I have considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials on record.

5. On a perusal of the records, it is seen that the petitioner had filed a petition before the learned Judicial Magistrate, under Section 156(3) of Cr.PC seeking a direction to forward a complaint to the respondent Police



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for registering a case and to file a final report. Before the trial Court, the respondent police appeared and submitted that on receiving the complaint from the petitioner, they found that all alleged transactions took place at Thiruvannamalai District and they are not having jurisdiction. Hence, the complaint received from the complainant had been forwarded to Tiruvannamalai Police through the Commissioner of Police, Greater Chennai.

6. Recording the same, the trial Court dismissed the complaint filed by the complainant under Section 156(3). I do not find any infirmity in the order passed by the trial Court and the complainant can very well pursue his complaint before the jurisdictional Court of Thiruvannamalai.

7. Accordingly, this revision case is dismissed as there is no merits.

13.02.2023

Index: Yes/No
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To

- 1.The Assistant Commissioner of Police,
EDF-III, Team-XX,
Central Crime Branch -II,
Chennai.
2. The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai-600 008
- 3.The Public Prosecutor,
High Court of Madras,Chennai-104.



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**V.SIVAGNANAM, J.,
dn**

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