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Crl.R.C.No.1394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1394 of 2023 and
Crl.M.P.No.11904 of 2023

1.Tmt.Vanitha,
Inspector of Police (L & O),
G3- Kilpauk Police Station, Chennai – 10.

2.Thiru.Suresh,
Police Jeep Driver attached to
Kilpauk Police Station, Chennai – 10.
Vs.

... Petitioners

1.N.Duraisamy

2.State rep. By
The Inspector of Police (Crime),
G3- Kilpauk Police Station,
Chennai-10.

... Respondent

[R2 impleaded as per order, dated
11.10.2023 in Crl.M.P.No.16344 of
2023 in Crl.R.C.No.1394 of 2023.]

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Crl.M.P.No.22851 of 2023 (CNR No.TNCH07-032717-2023) and set aside the order dated 26.06.2023 passed by the learned II Metropolitan Magistrate, Egmore, Chennai.



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For Petitioner : Mr.S.Balaji
For R2 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This petition is filed to set aside the order passed by the learned II Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.22851 of 2023, dated 26.06.2023.

2.The contention of the petitioners is that the first respondent/complainant involved in a criminal case in Crime No.423 of 2021 on the file of the 2nd respondent Police station for offence under Sections 341, 294(b), 323, 354(d), 509 and 506(ii) of IPC, which was enquired by the first petitioner herein and the first respondent was called for enquiry. Thereafter, for the purpose of creating defence, the first respondent made false allegations against the petitioners that they taken away his money to the tune of Rs.13 lakhs, which he kept in his scooter. He further submitted that the learned Magistrate failed to consider that the petitioners herein are Government servants and sanction ought to have been obtained from the higher authorities for initiation of any action against them for alleged offences alleged to have been done in the course



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of their duty.

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3.The learned counsel further submitted that the petitioners are Police officers and the present complaint has been filed by the defacto complainant only to prevent them from investigating the complaint lodged by one Kalarani @ Kavitha against the complainant which was duly registered in Crime No.423 of 2021. The present complaint is a concoction of falsehood and lies put forth to harass the petitioners and cause disgrace to them in the department and further humiliate them and prevent them from investigating the complaint lodged by Kalarani @ Kavitha. The impugned order of the Court below has to be set aside to prevent abuse of process of law and the petitioners' harassment.

4.The learned counsel for the petitioners further submits that a similar complaint has been lodged by the first respondent to the Commissioner of Police, who referred the matter for enquiry to the Deputy Commissioner of Police, Kilpauk, Chennai. The Deputy Commissioner, Kilpauk, Chennai after enquiry found that the first respondent's complaint as false and ordered closure of the same.



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Suppressing the same, the first respondent filed a petition under Section 156(3) Cr.P.C., before the learned II Metropolitan Magistrate, Egmore, Chennai. The lower Court, without considering the veracity of the complaint, had directed to register an FIR and after completion of the investigation, to file a final report, within a period of two months, aggrieved over the same, this Criminal Revision Case is filed.

5.The learned Additional Public Prosecutor appearing for the 2nd respondent Police submitted that the respondent Police after receiving the orders of the Court below, the Police have no other option except to register the FIR. During enquiry, if the petitioners appear before the respondent Police and give their explanations with supporting materials, appropriate steps would be taken by the respondent Police on their explanations.

6.Considering the submissions made on either side, this Court is of the view that registering FIR is only an initiation of investigation, nothing more. Hence, the petitioners are at liberty to appear before the 2nd respondent Police, give their explanations with available relevant



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materials, thereafter, the 2nd respondent Police shall consider the same and take appropriate decision in this regard. In any event, the 2nd respondent Police to conclude the investigation/enquiry, within a period of four weeks, from the date of receipt of a copy of this order.

7. With the above observations, this Criminal Revision Case is closed. Consequently, the connected Criminal Miscellaneous Petition is also closed.

02.11.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

vv2/mp

To

1. The II Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police (Crime),
G3- Kilpauk Police Station,
Chennai-10.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

vv2

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