



Crl.R.C.No.1737 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

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Y.Akbar Ahmed

... Petitioner

Vs.

- 1.State Rep by
The Inspector of Police (Crime),
D4, Zambazar Police Station,
Triplicane, Chennai – 05.
- 2.The Deputy Commissioner of Police,
Mylapore Limit, Kutchery Road,
Chennai – 04.
- 3.The Sub-Inspector of Police (Crime),
D4, Zambazar Police Station,
Triplicane, Chennai – 05.
- 4.Javeed Shah
- 5.Kausar Banu
- 6.Tabasum Shah

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C to set aside the order passed in Crl.M.P.No.23349 of 2023 dated



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20.06.2023 on the file of the II Metropolitan Magistrate, Egmore, Chennai and to direct the third respondent to register the petitioner's complaint dated 07.11.2022.

For Petitioner : Mr.V.Parthiban
for M/s.Sathiyaraj.E

For Respondents : Mr.A.Damodaran
1 to 3 Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed by the petitioner, to set aside the order dated 20.06.2023 passed in Crl.M.P.No.23349 of 2023 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai and to direct the third respondent to register the petitioner's complaint dated 07.11.2022.

2. The petitioner had paid a sum of Rs.15,00,000/- to the fourth respondent for his daughter's marriage and they entered into an agreement. The respondents 4 and 5 are husband and wife and 6th respondent is the daughter of the respondents 4 and 5. The respondents 4 to 6 had lured the petitioner by informing him that they had the property at Mount Road,



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Chennai and if the petitioner pays a sum of Rs.15,00,000/-, the petitioner can have a share of the property and also enjoy the benefits of the same.

Believing their words, the petitioner had paid Rs.15,00,000/- and later the petitioner came to know that the said property belongs to Wakf Board and the respondents 4 to 6 have not only cheated the petitioner and also several other persons on the same and similar promises. Earlier a case in Crime No.411 of 2021 has been registered by D4, Zambazar Police Station and so far no action has been taken. As there was no action taken against the respondents 4 to 6, the petitioner approached the learned II Metropolitan Magistrate, Egmore and filed a petition under section 156(3) of Cr.P.C.

3. The learned II Metropolitan Magistrate, Egmore has considered the facts and circumstances of the case and perused the materials available on record. Finally in paragraph 7, he had given a finding that the documents adduced by the petitioner are not sufficient to arrive a prima facie case and thus, the petitioner is not entitled to relief sought for.

4. The contention of the learned counsel for the petitioner is that some



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more documents are available with the petitioner to substantiate his claim and prayed for setting aside the impugned order.

5. Considering the submission made by the learned counsel for the petitioner, this Court is inclined to quash the impugned order. Accordingly, the order passed in Crl.M.P.No.23349 of 2023 dated 20.06.2023 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai is hereby quashed.

6. The petitioner is permitted to produce all the relevant materials and documents which were available with him, apart from the documents and materials produced earlier, to substantiate his claim before the jurisdictional court. The learned II Metropolitan Magistrate, to hear the case afresh along with the documents produced and thereafter to decide the matter and pass appropriate orders in accordance with law.

7. In view of the above, this Criminal Revision Case is allowed.



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To

1. II Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police (Crime),
D4, Zambazar Police Station,
Triplicane, Chennai – 05.
3. The Deputy Commissioner of Police,
Mylapore Limit, Kutchery Road,
Chennai – 04.
4. The Sub-Inspector of Police (Crime),
D4, Zambazar Police Station,
Triplicane, Chennai – 05.
5. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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