



Crl.R.C.No.1738 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1738 of 2023

N.Dhanush

... Petitioner

Vs.

The State rep. By
The Inspector of Police [Crime],
K-4 Anna Nagar Police Station,
Chennai.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 of Criminal Procedure Code, to call for the records pertaining to Crl.M.P.No.20317 of 2023 on the file of the V Metropolitan Magistrate Court, Egmore and by setting aside the order dated 28.07.2023 passed in it to therefore passed orders directing the respondent herein to duly register the petitioner information dated 17.10.2021 as FIR and then to take action in accordance with law.



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For Petitioner : Mr.S.Diwakar
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed by the petitioner for the reason that his complaint has not been properly considered and no FIR registered though cognizable offence is made out and despite the petitioner's representation to the Inspector of Police and to the Commissioner of Police. Thereafter, the petitioner filed a petition to forward the complaint under Section 156(3) Cr.P.C. in Crl.M.P.No.20317 of 2023 before the learned V Metropolitan Magistrate, Egmore, Chennai, who by order dated 28.07.2023 finding prima facie case has forwarded the complaint to the respondent police with a further direction to the respondent police to conduct preliminary investigation and if prima facie case is made out, proceed this case in accordance with law.

2.The primary contention of the petitioner is that once the Magistrate finds prima facie case established and forwarding the complaint under



Section 156(3) Cr.P.C., issuing further direction to conduct preliminary investigation is not proper since as per Section 156(3) Cr.P.C., once a petition was forwarded by the Magistrate, the respondent police shall register a case and proceed with the investigation. Hence, the above petition filed to quash the same.

3.Learned Additional Public Prosecutor filed a counter and submitted that on the directions of the Magistrate, enquiry was conducted in C.S.R.No.863 of 2021, wherein seven witnesses examined and the enquiry revealed that the petitioner was unable to give the exact date of missing of his gold chain. According to the petitioner, the gold chain was missing from 17.10.2021 but he lodged a complaint on 18.12.2021 with a delay of two months and no reason was given for the delay. Further, the witnesses examined appears to be hearsay witnesses. It is submitted that the petitioner was unable to give any materials to show that he was wearing the chain as a routine while he was staying as Paying Guest in Royal Meriton Men's Hostel, Anna Nagar and no CCTV footage confirming the same could be found. He further submitted that in this case, the respondent Police



conducted elaborate enquiry in all angles without any foul play and submitted a detailed report before the concerned Magistrate.

4.Be that as it may, today, the learned counsel for the petitioner fairly submitted that on the complaint of the petitioner, the respondent police registered a case in Crime No.401 of 2023 for the offence under Section 380 IPC.

5.Now the petitioner's grievance has been complied with. The only apprehension of the petitioner is that whether proper investigation would be conducted, whether the culprit would be apprehended and the property would be recovered. The prayer sought for herein by the petitioner is to register a case based on his complaint, for which now FIR in Crime No.401 of 2023 registered on 01.12.2023 for the offence under Section 380 IPC done. The petitioner can make his representation to the respondent police with details to be considered during investigation.



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WEB COPY 4. Recording the above, the Criminal Revision Petition stands disposed
of.

12.12.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The Inspector of Police [Crime],
K-4 Anna Nagar Police Station,
Chennai.



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M.NIRMAL KUMAR, J.

cse

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