



Crl.R.C.(MD).No.69 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.69 of 2023

A.Murugesan

... Petitioner/Complainant

Vs.

1. Alagarsamy

2. Karthik

3. Sankar

4. Velmurugan

5. Sadaiyandi @ Meiyappan

6. Ilayaraja

7. Anpalagan

8. Santhosh

...Respondents / Accused Nos.1 to 8

9. The State, represented by
The Inspector of Police,
District Crime Branch,
District Superintendent Office,
Sivagangai.

... 9th Respondent / 9th Respondent



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PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed by the Learned Magistrate No.II, Sivagangai in Crl.MP.No.2702 of 2021 filed U/s.156(3) of Cr.P.C on 17.09.2021 and set aside the same and consequently direct the 9th respondent to register the FIR based on the complaint dated 11.03.2021 on his file by allowing the above Criminal Revision Petition.

For Petitioner : Mr. Boomee Rajan.P.R

For R-9 : Mr. Sakthikumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed against the order passed by the Learned Magistrate No.II, Sivagangai in Crl.MP.No.2702 of 2021 filed on 17.09.2021.

2. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) would submit that on the basis of the complaint given by the petitioner, enquiry was undertaken in petition No.3 of 2021, both the parties were summoned but they did not appear for enquiry, hence it was



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closed on 25.07.2021 itself. It appears that after the above said disposal, the petitioner has filed the petition under Section 156(3) of Cr.P.C. before the trial Court seeking direction to file FIR agaisnt the respondents 1 to 8 and the trial Court has dismissed the petition dated 17.09.2021.

3. The learned Government Advocate (Crl.Side) further submitted that even though misappropriation as alleged happened in 2018, after lapse of three years only, the complaint was given to the Superintendent of Police, Sivagangai, that was forwarded to the 9th respondent namely the Inspector of Police, District Crime Branch, Sivagangai, who has enquired as stated above. Due to non co-operation of the revision petitioner, it was closed.

4. Let the above said enquiry file be reopened, petitioner and respondents 1 to 8 are directed to appear before the 9th respondent Police on 13.02.2023 and co-operate with him to complete the enquiry process. The 9th respondent may summon the respondents 1 to 8 and proceed in accordance with law. The parties are at liberty to take further steps depending upon outcome of the enquiry.



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5. With the above said direction, this revision petition stands dismissed.

20.01.2023

NCC :Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
District Crime Branch,
District Superintendent Office,
Sivagangai.
- 2.The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court, Madurai.
- 3.The learned Judicial Magistrate No.II (FAC),
Sivagangai.



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G.ILANGOVAAN,J.

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