



Crl.R.C.No.110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.110 of 2022

C.Devadas

... Petitioner

Vs.

State rep. By
The Inspector of Police,
S-1, St.Thomas Mount Police Station,
Chennai.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 12.01.2022 made in Crl.M.P.No.13 of 2022 on the file of the Judicial Magistrate Court-I, Alandur.

For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This revision petition is filed to set aside the order dated 12.01.2022 made in Crl.M.P.No.13 of 2022 on the file of the learned Judicial Magistrate-I, Alandur.

2.The contention of the learned counsel for the petitioner is that the petitioner who is using the card bearing No.4155 7594 3434 9102 of State Bank of India for more than a decade received a call on 04.10.2021 from 63831 66385 claiming that the caller is an employee of State Bank of India and enquired about the credit card details for enhancing the credit limits. Believing his words, the petitioner provided the details. On 11.10.2021, the petitioner received a phone call from State Bank of India Credit Card Team requesting the petitioner to convert the debited amount of Rs.92,000/- into equated monthly installments, at that time only, the petitioner came to know that he was cheated and a sum of Rs.92,000/- was fraudulently withdrawn from his credit card. Thereafter, on 12.10.2021 the petitioner preferred a complaint to the Police and he was instructed that case involves cyber fraud



and hence, directed him to approach the Inspector of Police (Crime), St.Thomas Mount, who assigned complaint as C.S.R.No.416 of 2021. The petitioner produced call details and particulars and even after lapse of several months, no action taken. The petitioner sent a representation to the Commissioner of Police on 07.12.2021 which was forwarded to the Deputy Commissioner of Police, St.Thomas Mount but no action taken. Hence, the petitioner filed a petition under Section 156(3) Cr.P.C. seeking direction to register a FIR, conduct investigation and file a report. The learned Judicial Magistrate No.I, Alandur dismissed the petitioner's petition for the reason that procedure under Section 154 Cr.P.C. not satisfied. Thus, on a wrong presumption the Trial Court failed to look into the fact that the petitioner had sent a representation to the Commissioner of Police on 07.12.2021 which was forwarded to the Deputy Commissioner of Police which complies with Section 154 Cr.P.C.

3.The learned Additional Public Prosecutor submitted that on the petitioner's complaint, enquiry was conducted and in the meanwhile, the petitioner had given a representation to the Commissioner of Police which



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was forwarded to the Deputy Commissioner of Police in

C.No.1006/CCB/DCP/Mount/2021 which was again forwarded to the Sub-

Inspector of Police [Cybercrime], St.Thomas Mount, Chennai attached to the office of Deputy Commissioner of Police. Thereafter, the Sub-Inspector of Police, Cybercrime called the petitioner for enquiry to submit certain documents. But the petitioner failed to respond to the notice. In the meanwhile, the Cybercrime team located that the fraudsters is from Uttarkand and further found that the amount from the petitioner's account, Rs.50,000/- and Rs.39,500/- has been transferred to Account No.678602010002534 of Union Bank of India on 04.10.2021, thereafter fraudsters account freezed. He would further submit that if the petitioner appears before the Cybercrime police and responding to the notice sent earlier by providing the details, the amount of Rs.89,500/- can be handed over to the petitioner after petitioner filing appropriate petition.

4.In view of the above, the petitioner is directed to approach the Cybercrime Team, St.Thomas Mount, Alandur, provide all the details which are required by the Cybercrime Team and retrieve the money which the



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petitioner lost due to cybercrime fraud.

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5. Accordingly, the criminal revision petition stands disposed of.

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

To

1. The Inspector of Police,
S-1, St. Thomas Mount Police Station,
Chennai.
2. The Judicial Magistrate-I,
Alandur.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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