



Crl.R.C.No.542 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.542 of 2023

Kulam Mohamed Ibrahim

... Petitioner

Vs.

The Assistant Commissioner of Police,
Nungambakkam Circle,
Chennai,
Chennai-600 005.
Crime No.383 of 2021

... Respondent

PRAYER : Criminal Revision filed under Section 397 (1) r/w. 401 of the code of Criminal Procedure, 1973 to set aside the impugned order dated 29.12.2022 passed in Crl.M.P.No.22937 of 2022 by the learned 14th Metropolitan Magistrate, Egmore, Chennai.



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For Petitioner : Mr.R.Sankarasubbu
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The Criminal Revision Case is filed to set aside the impugned order dated 29.12.2022 passed in Crl.M.P.No.22937 of 2022 by the learned 14th Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel appearing for the petitioner submits that the petitioner is working as Clerk in the office of one Zahir Hussain, who is an Advocate. The officials of the Directorate of Enforcement (ED) conducted search in the premises of one of Zahir Hussain's clients and issued a summon, pursuant to which, Zahir Hussain prepared a reply to the summon and deputed the petitioner to hand over the reply to the officials. When the petitioner went to hand over the reply, he was asked to wait for acknowledgment. During the time, one Sankaran, Sepoy belonging to



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Enforcement Directorate used abusive words against the petitioner and assaulted him. Thereafter, the petitioner made a complaint before the Police and the case was also registered in Crime No.383 of 2021 for the offence punishable under Sections 341 and 323 IPC and as a counter blast, Sepoy of the Enforcement Directorate has also filed a complaint and it was registered in Crime No.382 of 2021. While so, in the complaint made by the petitioner, the respondent Police has filed a final report stating that further action was dropped and it was taken on file in Crl.M.P.No.22937 of 2022, against which, protest petition was also filed by the petitioner in Crl.M.P.No.28872 of 2022, however, the trial Court accepted the final report filed by the Police and dismissed the protest petition filed by the petitioner, vide common order dated 29.12.2022, which is under challenge in this petition.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submits that without going into the merits of the case, this Court may grant liberty to the petitioner to file a private complaint before the trial Court.



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4. The learned Government Advocate (Criminal side) appearing for the respondent Police submits that it is a case and counter case and in the complaint made by the petitioner, the respondent Police, on completion of investigation, has filed a final report before the learned 14th Metropolitan Magistrate, Egmore, Chennai, stating that further action was dropped and it was taken on file in Crl.M.P.No.22937 of 2022 and the same was allowed on 29.12.2022. In the complaint made by the Sepoy of the Enforcement Directorate, the investigation is going on.

5. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, grants liberty to the petitioner to file a private complaint before the trial Court and if such complaint is filed by the petitioner, the trial Court is directed to consider the same and pass appropriate orders in accordance with law.



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6. Accordingly, the Criminal Revision Case is disposed of.

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

1. The learned 14th Metropolitan Magistrate, Egmore, Chennai.
2. The Assistant Commissioner of Police,
Nungambakkam Circle,
Chennai,
Chennai-600 005.
3. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

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