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Crl.R.C.No.417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.417 of 2024

S.Suresh

... Petitioner

Vs.

1.State by

The Inspector of Police,
Banavaram Police Station,
Ranipet District.

2.Kamlesh

3.Kiyaram

... Respondents

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate, Sholingur, dated 14.02.2024 in C.M.P.No.499 of 2024 and allow this Criminal Revision Petition.

For Petitioner : Mr.V.Sairam

For R1 : Mr.S.Raja Kumar
Additional Public Prosecutor



Crl.R.C.No.417 of 2024

WEB COPY

ORDER

The petitioner has filed a petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate, Sholinghur in C.M.P.No.499 of 2024 and the same was dismissed by the learned Magistrate *vide* order, dated 14.02.2024 primarily on the ground that the petitioner not provided any proof to support claim of personally submitting the report to the respondent Police and also not adhered to the procedure outlined in Section 154 Cr.P.C. Challenging the same, the present Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the petitioner is running a business in the name of Mathaji Jewellers dealing with gold and silver articles at No.202, Gandhi Road, Sholinghur, Ranipet District. The petitioner had business dispute with the respondents 2 and 3. On 30.12.2023, at about 01.30 p.m., the respondents 2 and 3 along with the muscle men entered into the petitioner's jewellery shop and threatened the petitioner as well as staffs and took away 15 kgs of silver articles and 200 grams of gold jewels. Further, the petitioner was threatened that if he discloses the fact to anyone, he would be done away. The muscle men are local persons and powerful having



high connection. The petitioner fearing for his life could not lodge a complaint to the local Police/1st respondent Police. Hence, the petitioner approached the Superintendent of Police, Arakkonam and lodged the complaint, dated 04.01.2024 giving reason why he could not approach the jurisdictional Police. In the complaint, the petitioner informed the Superintendent of Police and produced CCTV footage recorded in the shop would clearly show the named persons in the complaint along with muscle men entering into the shop, taking away the jewels by force and threatening the petitioner and his staffs. The Superintendent of Police, Arakkonam informed the petitioner to send a complaint to the 1st respondent Police. On 09.01.2024, the petitioner sent a complaint through the registered post to the 1st respondent Police and the same was received on 11.01.2024. Since no action taken, the petitioner again met the Superintendent Police. Arakkonam and informed about no action of the 1st respondent Police. Then to, no action taken. Having no other option, the petitioner approached the learned Judicial Magistrate, Sholinghur and filed the petition under Section 156(3) Cr.P.C.

3.The learned Additional Public Prosecutor appearing for the 1st respondent Police on instructions submitted that on the complaint of the



petitioner, enquiry conducted and the same is still pending. It is found that there is a business transaction between the petitioner and the respondents 2 and 3. The petitioner appeared before the 1st respondent Police on 04.01.2024, thereafter, he sought two days time to produce some documents and materials in support of his complaint. Then he failed to appear before the 1st respondent Police, but he rushed to the Judicial Magistrate Court, Sholinghur and obtained the order of dismissal. He further submitted that the enquiry is still pending and if the petitioner possess any material in support of his complaint, the petitioner can appear before the 1st respondent Police and produce the same.

4. At this stage, the learned counsel for the petitioner undertakes that the petitioner will appear before the 1st respondent Police after receipt of the copy of this order and give explanation and produce materials available with him.

5. Considering the undertaking given by the learned counsel for the petitioner, this Court directs the petitioner to appear before the 1st respondent Police on receipt of the copy of this order. The 1st respondent Police to follow the procedure contemplated under Section 154 Cr.P.C. if cognizable offence is



Crl.R.C.No.417 of 2024

made out on the complaint of the petitioner. In the event of the 1st respondent not inclined to proceed with the complaint, the same to be informed to the petitioner with reasons. Thereafter, it is for the petitioner to approach higher officials and if no action taken, the petitioner to approach the learned Judicial Magistrate, Sholinghur once again if he so desires and to file appropriate petition. The learned Judicial Magistrate, Sholinghur to consider the contention of the petition on its own merits and pass appropriate orders.

6. Accordingly, this Criminal Revision Case is allowed setting aside the impugned order, dated 14.02.2024 in C.M.P.No.499 of 2024 passed by the learned Judicial Magistrate, Sholinghur.

15.03.2024

Speaking order/Non-speaking order
Index: Yes/No
Internet: Yes
Neutral Citation: Yes/No

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To

1. The Judicial Magistrate,
Sholinghur.



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Crl.R.C.No.417 of 2024

M.NIRMAL KUMAR, J.

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2.The Inspector of Police,
Banavaram Police Station,
Ranipet District.

3.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.417 of 2024

15.03.2024