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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.RC.No.1148 of 2024 and
Crl.M.P.No.9607 of 2024

Selvi

... Petitioner

Vs.

The Inspector of Police,
H-3, Tondiatpet Police Station,
Chennai.
Cr.No.287/2022

... Respondent

Prayer: This Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., to set aside the order passed in Crl.MP.No.3032 of 2024 in CC.No.1741 of 2022 on the file of the XV Metropolitan Magistrate, George Town, Chennai dated 06.05.2024.

For Petitioners : Ms.R.Saranya

For M/s.Murali Law Firm

For Respondent : Mr.A.Gopinath

Government Advocate (Crl. Side)

ORDER

The revision has been filed against the order passed in Crl.MP.No.3032 of 2024 in CC.No.1741 of 2022 on the file of the XV Metropolitan Magistrate, George Town, Chennai dated 06.05.2024.

2. It is the case of the petitioner that she is unmarried woman and tenant



with the accused Dhayalan since 2019 by paying monthly rent to August 2022.

Due to family dispute, she was arrested by the H8 Police Station and remanded to judicial custody on 31.08.2022 and released on bail on 13.09.2022. After release, she went to her house and shocked that some unknown persons are living in the house and her household articles, cash Rs.4,50,000/- and 4 sovereigns gold ornaments are theft. When she made call to her landlord, he refused to accept her call. Therefore, she lodged a complaint before the respondent police against the landlord Dhayalan for theft of her month and gold jewels. The respondent police registered a case against the accused and filed final report in CC.No.1741 of 2022. During pendency, the petitioner has filed a petition under Section 173(8) Cr.P.C. For further investigation in cr. No.287 of 2022 before the trial Court and the same was dismissed. Challenging the same, the present revision has been filed.

3. The learned counsel for the petitioner submitted that admittedly, the accused persons theft her household articles, gold ornaments and cash as stated above. During trial, the accused given a false statement that without his knowledge, the petitioner vacated the house. Further, the one of the tenant viz., Karuppasamy is also deposed a false statement. Without considering the same, the trial Court dismissed the petition for further investigation and this Court may



interfere with the same and allow this revision.

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4. The learned Government Advocate submitted that the petitioner is a habitual offender and there are three cases pending against her. She used to made allegations against the landlords. Likewise, on the earlier occasion, she has lodged a complaint against the landlords on three occasions in FIR No.673/2023 and 410/2023. Hence, the trial Court has rightly dismissed the petition filed by the petitioner and the same needs no interference.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The petitioner, who is the tenant, has lodged a complaint as against one Dayalan who is the landlord for theft of cash, gold jewels and household articles. Initially, the respondent police registered a case against the accused for the offence under Section 448 and 380 of IPC. After investigation, the respondent police altered the offence under Section 380 of IPC as there is no theft from the petitioner house, for which, they filed charge sheet only in respect of Section 380 of IPC. The said fact was elaborately considered by the trial Court and dismissed the petition for further investigation. This Court does not



find any merits in the revision petition and the same is liable to be dismissed.

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7. In the result, the revision is dismissed. Consequently, connected miscellaneous petition is closed.

05.07.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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To

1. The XV Metropolitan Magistrate, George Town, Chennai.

2. The Inspector of Police,
H-3, Tondiatpet Police Station,
Chennai.

3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI,J.

rli

CrI.RC.No.1148 of 2024

05.07.2024