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Crl.R.C.No.1290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.R.C.No.1290 of 2024

M.Prabu

... Petitioner

Vs.

1.The Commissioner of Police,
Vepery,
Chennai – 600 007.

2.The Inspecor of Police,
G-5 Secretariat Colony Police Station,
Chennai – 60 010.

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C. praying to set aside the order dated 28.03.2024 made in Crl.M.P.No.10316 of 2024 on the file of II Metropolitan Magistrate, Egmore and allow the petition under Section 156(3) of Cr.P.C. filed by the petitioner seeking a direction to register his complaints by allowing this Criminal Revision Petition.

For Petitioner : Mr.C.Prabhu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This petition has been filed seeking to set aside the order dated 28.03.2024 made in Crl.M.P.No.10316 of 2024 on the file of II Metropolitan Magistrate, Egmore and allow the petition under Section 156(3) of Cr.P.C. filed by the petitioner seeking a direction to register his complaints.

2.The petitioner lodged a complaint to the Commissioner of Police, which was forwarded to the Joint Commissioner of Police in Reference No.C.No.752/DC-CCB-II/COP/V/2023 dated 30.10.2023. Thereafter, no action has been taken. Hence, he filed a petition under Section 156(3) Cr.P.C. in Crl.M.P.No.10316 of 2024, which was dismissed by the Lower Court on 28.03.2024, against which, the present revision.

3.The contention of the learned counsel for petitioner is that the petitioner working as Mechanical Engineer in a private company. He came in touch with his college friends, namely, Pushparaj during the month of



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October, 2021, who introduced one Pradeep, working in Bharat Benz in a managerial position. They induced the petitioner to invest some money in investment scheme in LNS International through one Kannadasan and Saravana Kumar. The petitioner applied for personal loan and obtained Rs.20,00,000/- from Axis Bank and Rs.20,00,000/- from HDFC Bank. He had also taken loan from his father-in-law for a sum of Rs.10,00,000/- and another Rs.15,00,000/- was deposited by his brother Selvaraj in the bank account of Kannadasan. Thus in total, Rs.65,00,000/- was deposited as instructed by Pushparaj and Pradeep in the bank account of Kannadasan, Saravana Kumar and Ganesan through Bank transfer. To gain confidence of the petitioner, Pradeep paid him Rs.27,41,000/- during the period of December 2021 to June, 2022. Thereafter, they refused to pay principle investment amount and later the petitioner came to know that all the persons colluded and cheated the petitioner. Hence, he lodged a complaint to the Commissioner of Police, which was forwarded to the second respondent. The second respondent police not conducted proper investigation. Hence, he filed



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a petition under Section 156(3) of Cr.P.C. seeking a direction to the second respondent police to register an F.I.R., which came to be dismissed.

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4.The learned Additional Public Prosecutor submitted that the petitioner lodged a complaint against one Pushparaj and Pradeep, both said to have introduced one Kannadasan and Saravana Kumar and in their account, the petitioner deposited the money for investment scheme. Both his friends acted as commission agent received Rs.5,00,000/-. The entire amount handled by Kannadasan and Saravana Kumar for investment purpose. The Economic Offence Wing is investigating with regard to cheating committed in the investment scheme. As regards the return of commission amount both the petitioner and Pushparaj were called for enquiry. It was agreed by Pushparaj to return back Rs.3,00,000/- and a compromise entered between the petitioner/complainant and accused persons. The trial Court on the petitioner's complaint found that the petitioner lost the amount of Rs.65,00,000/- and the respondent police had no jurisdiction to entertain the



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complaint of over and above Rs.50,00,000/- and it is for the CCB to enquire the same and in such circumstances, the II Metropolitan Magistrate Court, Egmore, Chennai is not the jurisdictional Court. Hence, on that ground as well as the petitioner not made out a prima-facie case, dismissing the petition is proper.

5.Considering the submissions made and on perusal of the material it is seen that the petitioner invested Rs.65,00,000/- through his friends Pradeep and Pushparaj to Kannadasan and Saravana Kumar. He also received back Rs.27,41,000/- from the investment scheme. Thereafter it is seen that they have cheated him. The learned Additional Public Prosecutor submitted that petitioner's complaint with regard to cheating of Rs.65,00,000/- is being investigated by Economic Offence Wing. It is only with regard to commission received by Pushparaj and Pradeep. It was enquired and an understanding arrived between the petitioner and Pushparaj. Pushparaj agreed to repay Rs.3,00,000/- of the commission amount, of which, paid



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Rs.2,29,500/- and for the balance amount he requested some time. Admitting these facts, the letter of the petitioner and respondent dated 08.01.2024 produced.

6.In view of the same, this Court finds no reason to interfere with the order of the trial Court. Hence, this Court is not inclined to entertain this petition.

7.Accordingly, the Criminal Revision Case is dismissed.

08.08.2024

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

Neutral citation: Yes/No



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Vepery,
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- 3.The II Metroplitan Magistrate,
Egmore, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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