



Crl.R.C.No.1510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1510 of 2023

Unorganized Employees Co-operative Society (Ltd),
The Reg.No.MSCS/CR/327/2010,
Represented by its Managing Director,
S.P.Bharathee,
S/o.Periyasamy,
No.16, Padayappa Garden Phase II,
Alagapuram, Peria Pudhur, Salem-636 016.

... Petitioner

Vs.

1.S.Pachayappan
2.P.Sathya
3.The State Rep by,
The Deputy Superintendent of Police,
District Crime Branch P.S, Salem.

4.The Superintendent of Police,
CCIW – CID, Ashok Nagar,
Chennai-83.

... Respondent

[R4 Impleaded as per order, dated
14.09.2023 in Crl.M.P.No.14585 of
2023 in Crl.R.C.No.1510 of 2023.]



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PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, to call for the records and set-aside the order passed by the learned Judicial Magistrate No.6, Salem in Crl.M.P.No.1786 of 2023 and consequently direct the 3rd respondent Police to register the petitioner's complaint dated 18.04.2022, apprehend the accused to investigate the offence committed to recover the misappropriated money and to file a final report within reasonable time after a ful-fledged investigation.

For Petitioner : Mr.M.Udhaya Kumar
For R3 & R4 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

Challenging the impugned order, dated 06.06.2023 in Crl.M.P.No.1786 of 2023 passed by the learned Judicial Magistrate No.VI, Salem, this criminal revision case is filed.

2.This Court by order, dated 11.12.2023 had passed the following order:

“The petitioner lodged a complaint to the respondent police, however, no action has been taken. Hence, he filed a petition under Section 156(3) Cr.P.C. before the learned



Judicial Magistrate No.VI, Salem in Cr.M.P.No.1786 of 2023 seeking to register a case on the complaint preferred by the petitioner. The Lower Court by order dated 06.06.2023, rejected the same, against which the present petition.

2.The learned counsel for the petitioner submits that the former office bearers and members of the petitioner society misappropriated, cheated the society to the tune of Rs.26,37,513/-. Despite giving all the details, neither the police nor the Lower Court considered the same. The offence is cognizable offence and FIR ought to have registered without delay. Each delay will only embolden, facilitate the perpetrator of the crime to get way and cover up the crime.

3.The learned Additional Public Prosecutor submits that in this case complaint was initially received by the Deputy Superintendent of Police, District Crime Branch, Salem, who forwarded the complaint to EOW. He further submitted that now on preliminary enquiry it was found that the petitioner Society was registered under the Multi State Co-operative Societies Act and EOW is authorised only to register a case which falls under Cooperative Societies Act. Learned Additional Public Prosecutor further submitted that the earlier complaint dated 18.04.2022 is not available with



the third respondent police. In the event, the petitioner lodging a complaint, the same would be considered by the third respondent and appropriate action would be taken.

4.Learned counsel for petitioner submitted that the petitioner will appear before the third respondent on or before 15.12.2023 to lodge a complaint.

5.Learned Additional Public Prosecutor is directed to report about the status of the complaint on 21.12.2023.

6.Post the matter on 21.12.2023.”

3.In continuation and conjunction to the above order, this Court is passing the following order.

4.Today, the learned Additional Public Prosecutor appearing for the respondents 3 and 4 produced the copy of the FIR in Crime No.7 of 2024, dated 10.09.2024 which was registered against S.Pachiyappan and P.Sathya for offence under Sections 120B, 468, 471, 477A and 409 of IPC on the complaint of the petitioner.



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WEB COPY 5. In view of the above, nothing survives for adjudication in this criminal revision case and the same is dismissed.

11.09.2024

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

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To

1. The Judicial Magistrate No.VI,
Salem.
2. The Deputy Superintendent of Police,
District Crime Branch P.S, Salem.
3. The Superintendent of Police,
CCIW – CID, Ashok Nagar,
Chennai-83.
4. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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