



CrI.R.C.No.1741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.1741 of 2024

Mr.Rose Blessed King

...Petitioner/Petitioner

Vs.

1. The Inspector of Police,
CCB – I, No.132,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.

2. The Sub – Inspector of Police,
CCB, Team 37, EDF – II,
EVK Sampath Road, Vepery,
Chennai – 600 007.

...Respondents/Respondents

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of the Cr.P.C./438 r/w 442 of the BNSS to set aside the order dated 04.06.2024 in CrI.M.P.No.10620 of 2024, passed by the Metropolitan Magistrate, for exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore.



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For Petitioner : Mr.Ravikumar Paul
Senior Counsel
for
M/s.Paul and Paul

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER

The petitioner, aggrieved by the dismissal of his petition under Section 156(3) of Cr.P.C., seeking direction for the respondent to register a complaint, has preferred the instant revision.

2. The case of the petitioner is that one Mr.V.Maran, was working as Senior Manager in the IT department of the company, in which the petitioner was working as Senior Manager-Legal; that the said Mr.V.Maran joined the company during the year 1989 and since he had served the company for a long time, he was given the responsibility of handling the procurement of laptops, desktops, tablets and other related materials for the IT department; that during the year 2022 while auditing the accounts, the petitioner's company discovered that the said Mr.V.Maran had in collusion with the vendors obtained a modified quotation with higher quotes and had ensured



that the company paid the inflated price to the vendors and thereafter, directed the vendors to transfer the differential amount to his personal account; and that by adopting the said *modus operandi*, the said Mr.V.Maran had misappropriated a sum of Rs.1,15,74,000/- and had also acknowledged the said misappropriation; that when the petitioner's company lodged a complaint, the first respondent on receipt of the complaint without verifying the records and the materials available with the petitioner had closed the complaint, even before registration of the FIR; and that the petitioner therefore, preferred Crl.M.P.No.10620 of 2024 to the learned Magistrate under Section 156 (3) of Cr.P.C., for a direction to the respondent to register a FIR.

3. The learned Magistrate, on perusal of the complaint and the reply by the respondent, held that the petitioner did not produce proper evidence to prove the crime committed by the accused and therefore, the respondent was right in refusing him to register a complaint and hence, dismissed the petition.



4. Mr.Ravikumar Paul, learned Senior Counsel for the petitioner, would submit that there are various documents that have been submitted to the respondent along with the complaint to show that the said Mr.V.Maran forged the invoices and had committed misappropriation besides the theft of a laptop.

5. Mr.V.J.Priyadarsana, the learned Government Advocate (Crl.Side), *per contra*, submitted that since the documents were not produced by the petitioner to substantiate his allegation, the respondent did not register the FIR and therefore, there is no infirmity in the order of the learned Magistrate.

6. The documents produced before this Court by way of a typeset, namely the purchase order given by the company and the quotation of the vendors, besides the bank statement of the said V.Maran, would suggest that the vendors, on receipt of money, had transferred the differential amount to the said V.Maran.



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WEB COPY 7. The allegations *prima facie* constitute the offence of criminal misappropriation and theft. Therefore, this Court is of the view that the Magistrate ought not to have merely relied upon the report of the respondent while dismissing the petition. Hence, the order passed by the learned Magistrate is liable to be set aside and accordingly, set aside.

8. The learned Magistrate, shall consider the complaint along with the documents and other materials produced by the petitioner, ascertain if any other offence is made out and issue appropriate direction to the respondent under Section 156(3) of the Cr.P.C., within a period of four (4) weeks from the date of receipt of a copy of this order.

9. With the above direction, this revision petition is allowed.

05.11.2024

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To

1. The Metropolitan Magistrate,
Exclusive trial of CCB Cases
(relating to Cheating Cases in Chennai) and
CBCID Metro Cases,
Egmore, Chennai – 600 008.
2. The Inspector of Police,
CCB – I, No.132,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.
3. The Sub – Inspector of Police,
CCB, Team 37, EDF – II,
EVK Sampath Road, Vepery,
Chennai – 600 007.
4. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN., J.

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