



Crl.RC.No.2131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

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U.Baskaran

...Petitioner

Vs.

1. State rep. by
Inspector of Police (Law & Order),
G3, Kilpauk Police Station,
Chennai – 600 010.

2. Alagappa Nagar Association,
Bearing Regn. No.154/2002
(On the file of Registrar of Societies, Central Chennai),
Rep. by its Secretary, S.Sakthivel,
12, Valliammal Street, New Avadi Road,
Kilpauk Garden, Chennai – 600 010.

...Respondents

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to call for the records in and connected with the Crl.M.P.No.21339 of 2023 dated 06.07.2023 on the file of the II Metropolitan Magistrate, Chennai, Egmore, revise and set aside the same and cause registration of the FIR by the 1st respondent herein with respect to the incident dated 03.01.2023 and 14.01.2023.



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For Petitioner : Mr.B.Satish Sundar

For Respondents : Mr.A.Gopinath, GA(CrI. Side), for R1
: Mr.M.Mubarak Ahmed, for R2

ORDER

This Criminal revision case has been filed seeking quashment of the order dated 06.07.2023 made in CrI.M.P.No.21339 of 2023 on the file of the II Metropolitan Magistrate, Chennai, Egmore.

2. The case of the petitioner is that, the petitioner was the member of the 2nd respondent association which was established in the year 2002 for promoting social activities and philanthropy and the same is managed by a committee of members elected from the General body of members on a periodic basis. While so, on 15.11.2020, the police authorities conducted inspection in the 2nd respondent association premises and registered a case in Cr.No.716 of 2020 alleging that the association members including the petitioner, used the premises for conducting gambling and the police authorities arrested the petitioner and subsequently released him on bail. Pursuant to which, the petitioner advised the members of the 2nd respondent



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association not to indulge in such activities. However, the petitioner was ill treated by the President and other office bearers of the said association and even though the petitioner's membership was retained by the District Registrar, vide order dated 13.01.2023, without considering the same, the 2nd respondent association passed a resolution on 15.01.2023, terminating the petitioner's membership. Thereby, the petitioner made a complaint before the law enforcing agency bringing to their notice the illegal activities committed by the 2nd respondent association and its members and seeking to take necessary action against the 2nd respondent association and its members. However, the law enforcing agency refused to register the said complaint and therefore, the petitioner filed a petition under section 156(3) of Cr.P.C. in Crl.MP.No.21339 of 2023 seeking to register the complaint made by the petitioner. However, the trial court, instead of entertaining the said petition and issuing direction to the law enforcing agency to register the complaint filed by the petitioner, vide impugned order dated 06.07.2023 dismissed the same, which is wholly unsustainable. Challenging the same, the petitioner has come up with this revision.



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

4. A perusal of the materials available on record reveals that, though the petitioner has come up with this revision challenging the dismissal order dated 06.07.2023 made in Crl.M.P.No.21339 of 2023 on the file of the II Metropolitan Magistrate, Chennai, Egmore, dismissing the petition under Section 156(3) of Cr.P.C., however, subsequently, the petitioner filed a private complaint under Section 200 of Cr.P.C., and the same is pending for adjudication.

5. In view of the above, no further adjudication is necessary in this revision. Hence, this Court, without going into the merits of the case and without interfering with the order impugned, while dismissing this revision directs the trial court to dispose of the private complaint filed by the petitioner within a period of three months from the date of receipt of a copy of this order, without being influenced by any of the observations made by the trial court in the petition filed u/s 156(3) of Cr.P.C. in Crl.M.P.No.21339



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of 2023 dated 06.07.2023. Further, the petitioner is at liberty to canvass all his grievances in the complaint filed by him under Section 200 of Cr.P.C., at the time of trial.

6. For the reasons aforesaid, this Criminal Revision case stands dismissed.

22.07.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

To

1. The II Metropolitan Magistrate,
Chennai, Egmore,
2. The Inspector of Police (Law & Order),
G3, Kilpauk Police Station,
Chennai – 600 010.
3. The Public Prosecutor,
Madras High Court.

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M.DHANDAPANI, J.

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