



Crl.RC.No.1913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM:

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

Crl.RC.No.1913 of 2023

Nayef Ikram

...Petitioner

Vs.

1. The State represented by
Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai - 600 007.

2. Inspector of Police,
Central Crime Branch,
EDF-II, E.V.K.Sampath road,
Vepery, Chennai - 600 007.

3. Farzana begum

4. Nabila Aslam

...Respondents

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the impugned order dated 14.07.2023 passed in Crl.M.P.No.19410 of 2023 on the file of the learned Metropolitan Magistrate Court, for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.A.Gopinath for R1 and R2
Government Advocate (Crl. Side)
No appearance for R3 and R4



Crl.RC.No.1913 of 2023

ORDER

WEB COPY

This Criminal Revision case has been filed seeking quashment of the order passed in Crl.MP.No. 19410 of 2023 dated 14.07.2023 on the file of the Metropolitan Magistrate Court, for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

2. The case of the prosecution is that the petitioner's father who is a Doctor by profession acquired the movable and immovable properties of flat at P.A.Towers and two storied building at Kodambakkam and cash to the tune of rupees sixty lakhs and investments in mutual funds valuable stocks and gold. The petitioner's father Dr.Mohammed Aslam passed away on 17.06.2021 leaving behind the petitioner and his sister and the 3rd and 4th respondents as his lawful legal heirs, who are the step mother and step sister of the petitioner. Further, it is seen that the 3rd respondent has been nominated as nominee by his father.

(ii). As a nominee, the 3rd respondent should legally act as a trustee to those money and stocks and has to handover and share the same to the respective legal heirs. While so, on the contrary, the 3rd and



4th respondents joined together by taking advantage of the said nomination with an dishonest intention and conspired together to cheat and deprive the petitioner and his sister's lawful rights to the money and valuable stock left by his late father Dr.Mohammed Aslam and has misused the bank nominee given to her by his late father and siphoned of more than Rs.60 Lakhs of cash from the petitioner's late father's bank accounts and also from other bank accounts and transferred the same to her bank accounts and distributed to various bank accounts with an dishonest intention to cheat and misappropriated the whole cash and valuables.

(iii.) The petitioner has lodged a complaint dated 10.10.2022 before the 2nd respondent and co-operated for the enquiry. When that being so, the 2nd respondent without considering the allegation made in the complaint and dropped the action and thereafter, closed the said complaint on 22.10.2-22, inspite of cognizable offence has been prima facie made out against the 3rd and 4th respondent. Thereafter, the petitioner has made a representation as per Section 154(3), which yield no fruitful result. Aggrieved by the said inaction of the 2nd respondent,



Crl.RC.No.1913 of 2023

the petitioner has filed a petition under 156(3) of CrI.P.C. in CrI.M.P.No.19410 of 2023, the same came to be dismissed. Challenging the said order, the present revision has been filed.

3. The learned counsel for the petitioner submitted that without interfering with the impugned order, this Court may grant liberty to the petitioner to file a suit or file a petition under Section 200 Cr.P.C. before the appropriate civil forum.

4. The learned Government Advocate appearing for the State submitted that the issue between the petitioner and the accused person is purely civil in nature and an attempt has been made to give it a criminal colour. Hence, the learned counsel prays to dismiss the present petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

6. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same at this stage. This Court is of the view that the entire dispute is purely civil in nature and an attempt has been made to



Crl.RC.No.1913 of 2023

give it a criminal colour and the petitioner is directed to approach the Civil forum in order to redress their grievance and there is no useful purpose will be served in keeping the petitions pending and the respondent police have no role to play in a case of this nature.

7. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, permit the petitioner to file a petition under Section 200 Cr.P.C. Or section 223 of BNSS Act before the appropriate forum.

8. With the above directions, the Criminal Revision Case is dismissed.

31.07.2024

msv

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



Crl.RC.No.1913 of 2023

To
WEB COPY

1. The Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Central Crime Branch,
EDF-II, E.V.K.Sampath road,
Vepery, Chennai - 600 007.



WEB COPY



Crl.RC.No.1913 of 2023

M.DHANDAPANI, J.

msv

Crl.RC.No.1913 of 2023

31.07.2024