



Crl.RC.No.2092 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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A.Rajendran

...Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,
Central Crime Branch,
Greater Chennai, Vepery, Chennai-600 007.
3. The Inspector of Police,
Team-IV, EDF-II,
Central Crime Branch, Chennai-600 007.

...Respondents

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the impugned order dated 28.07.2023 in Crl.MP.No.19616 of 2023 passed by the Hon'ble Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Metro Case, Egmore Court and consequently direct the respondent police to investigate and file final report into the petitioner's complaint dated 02.05.2023.



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For Petitioner : M/s.K.Bharathi

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

This Criminal revision case has been filed seeking quashment of the order dated 28.07.2023 made in Crl.MP.No.19616 of 2023 by the Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Metro Case, Egmore Court and to consequently direct the respondent police to investigate and file final report into the petitioner's complaint dated 02.05.2023.

2. The case of the petitioner is that, the petitioner/complainant is mainly into land brokering for industrial clients. While so, during 2018, the accused namely Bhargavi was introduced to the complainant by one of his friend, since the accused being an Industrialist, she was in search of some industrial land to startup another business and thereafter, the complainant and accused became family friends and on such acquittance, the said



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Bhargavi initially borrowed a sum of Rs.50,00,000/- and thereafter, she borrowed a further sum of Rs.2,19,84,000/- on various occasions for both business and personal purposes. Out of the above liability, the said Bhargavi had repaid only a sum of Rs.9,50,000/- and she failed to repay the balance amount. Further, when the petitioner made repeated request for discharge of the above liability, the said Bhargavi harassed the petitioner by giving false complaint against him and she also threatened the petitioner with dire consequences. Thereby, left with no other alternative, the petitioner made a complaint as against the said Bhargavi before the law enforcing agency. However, as no action has been initiated on the petitioner's complaint, he filed a petition under Section 156(3) in Crl.MP.No.19616 of 2023 before the trial Court. However, the trial court without considering any of the above said facts, had dismissed the 156(3) petition filed by the petitioner, vide impugned order. Aggrieved by the same, the petitioner has come up with this revision.

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



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4. Though very many grounds have been raised by the learned counsel for the petitioner against the order impugned, when this Court expressed its opinion that, the issue involved in the present case is civil in nature, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to file a complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023, whichever is permissible or to file appropriate suit before the competent civil court. Learned Government Advocate (Crl. Side) appearing for the respondents has no objection for grant of such liberty. Learned counsel for the petitioner further prayed that the period during which the matter was agitated before the wrong forum may be excluded for the purpose of computation of limitation.

5. In view of the aforesaid stand taken by the learned counsel on both sides, this Court, without expressing any opinion on the merits of the case and without interfering with the order under challenge, grants liberty to the petitioner to workout his remedy in the manner known to law either by way



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of filing appropriate complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023 or by way of filing appropriate suit before the competent forum. If such complaint or suit is filed, the competent jurisdictional court shall consider the same and pass orders, after affording sufficient opportunity to the parties. Further, the period of pendency of the petition filed by the petitioner under Section 156(3) of Cr.P.C. before the wrong forum shall stand excluded for the purpose of computation of limitation, if any.

6. Accordingly, this Criminal Revision case stands dismissed.

22.07.2024

skt

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

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,

5/7



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Central Crime Branch,
Greater Chennai, Vepery, Chennai-600 007.

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skt

3. The Inspector of Police,
Team-IV, EDF-II,
Central Crime Branch, Chennai-600 007.
4. The Public Prosecutor,
High Court of Madras.
5. The Metropolitan Magistrate for Exclusive Trial of CCB and
CBCID Metro Case, Egmore Court.

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