



Crl.R.C.No.678 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Jayashree

..... Petitioner

Vs

1.The State rep by its
Deputy Commissioner of Police,
New Washermenpet,
Tondiarpet,
Chennai – 81.

2.The Inspector of Police,
Station House Officer,
H-5 Police Station,
Tondiarpet,
Chennai – 81.

..... Respondents

PRAYER: Criminal Revision Case is filed under Sections 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the impugned order in Crl.M.P.No.6329 of 2025 dated 05.05.2025 passed by the learned XV Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.P.Vijendran

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

ORDER



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This Criminal Revision Case has been filed as against the order

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dated 05.05.2025 passed in Crl.M.P.No.6329 of 2025 on the file of the XV Metropolitan Magistrate, George Town, Chennai, thereby dismissing the complaint lodged by the petitioner seeking direction under Section 156(3) of Cr.P.C.

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

3. A perusal of the order impugned in this revision reveals that the petitioner had filed a suit in O.S.No.3626 of 2023 and also filed an application in I.A.No.5 of 2023 seeking an order of injunction against the counter party. An interim order was granted on 12.03.2024. However, in violation of the said interim order, the counter party broke open the gate of the premises on 21.03.2024. Therefore, the petitioner lodged a complaint before the Inspector of Police, H5 Police Station, Tondiarpet, Chennai. However, no FIR has been registered and as such, the petitioner filed a private complaint seeking a direction under Section 156(3) of Cr.P.C. However, the said complaint was dismissed on the ground that the petitioner had not availed the remedy under Section 154 of Cr.P.C. It is seen that the petitioner lodged a complaint on 18.04.2024 and on the same day, he also filed a representation before the superior officer. Therefore, without following the procedure laid down under



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Section 154 of Cr.P.C, the petitioner approached the Magistrate directly for seeking direction under Section 156(3) of Cr.P.C. Therefore, the learned Magistrate rightly dismissed the complaint.

4. That apart, even according to the petitioner, the counter party broke open the lock after granting the interim injunction order. Though the petitioner filed an application seeking to punish the counter party for violating the said interim order, subsequently, the same was withdrawn. Therefore, no offence is made out against the counter party as alleged in the complaint. Hence, the revision is devoid of merits and is liable to be dismissed.

5. In view of the above, this Court finds no infirmity or illegality in the order dated 05.05.2025 passed in Crl.M.P.No.6329 of 2025 on the file of the XV Metropolitan Magistrate, George Town, Chennai.

6. Accordingly, this Criminal Revision Case stands dismissed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

G.K.ILANTHIRAIYAN, J.



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1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. Deputy Commissioner of Police,
New Washermenpet,
Tondiarpet,
Chennai – 81.
3. The Inspector of Police,
Station House Officer,
H-5 Police Station,
Tondiarpet,
Chennai – 81.
4. The Public Prosecutor,
High Court, Madras.

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This matter is posted today before this Court under the caption 'For



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Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel for the petitioner would submit that while dismissing the revision on 09.06.2025, he has wrongly mentioned that a contempt petition has been filed by the petitioner and the same has been withdrawn. Hence, he seeks to delete the portion in Paragraph No.4 of the order dated 09.06.2025 in Crl.R.C.No.678 of 2025.

3. Considering the submission made by the learned counsel appearing for the petitioner, this petition is clarified and Paragraph No.4 of the order dated 09.06.2025 in Crl.R.C.No.678 of 2025 shall read as follows:-

“ 4. That apart, even according to the petitioner, the counter party broke open the lock after granting the interim injunction order. Therefore, no offence is made out against the counter party as alleged in the complaint. Hence, the revision is devoid of merits and is liable to be dismissed.”

4. Registry is directed to correct the order dated 09.06.2025 in Crl.R.C.No.678 of 2025, as above and issue order copy afresh.

26.06.2025



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mn

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26.06.2025