

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2015

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.OP No.23562 of 2009

Smt.P.Umadevi

..Petitioner/Petitioner

Vs

1. P.Subramanian
2. R.Subramanian
3. S.Chittirakani
- 4 .V.Gunasekaran

5. The State rep. By
Sub-Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.

.. Respondents/Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., set aside the order passed by the learned Judicial Magistrate No.2, Coimbatore in C.M.P.No.not known of 2008 dated 18.06.2008 and direct the fifth respondent police to re-investigate the complaint and file the final report within stipulated time.

For Petitioner : Mr.M.V.Muralidaran

For RR.1 to 4 : No Appearance

For R.5 : D.Sivaramkumar,
Government Advocate (crl.side)

ORDER

The petitioner filed a private complaint before the learned Judicial Magistrate No.2, Coimbatore against the respondents 1 to 4 herein alleging that they had committed offence punishable under Sections 120B, 406, 415, 416, 417, 419, 420, 423, 463, 464, 469 and 471 I.P.C. The learned Judicial Magistrate referred the same to the fifth respondent under Section 156(3) Cr.P.C., for registration of the case. Accordingly, the case was registered by the fifth respondent and a negative final report was filed before the learned Judicial Magistrate concerned and the same was accepted by him.

2. Now, the petitioner has come up with this petition seeking a direction to the fifth respondent to re-investigate the complaint filed by the petitioner dated 18.06.2008.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the fifth respondent and I have also perused the records carefully. There is no representation for the respondents 1 to 4.

4. In my considered opinion, this petition is highly mis-conceived and the remedy for the petitioner would have been to file a protest petition before the learned Judicial Magistrate concerned. When such an efficacious remedy is available, filing this petition under Section 482 Cr.P.C., is only an abuse of process of Court. Hence, the Criminal Original Petition is dismissed.
Jbm

Sd/-
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.2,
Coimbatore.
2. The Sub-Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

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BVR(CO)
sd : 29/10/2015

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