

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.9542 of 2015

S.Madhiyazhagan

... Petitioner

Vs

State rep.by
The Inspector of Police,
CBCID,
Tirupur District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent Police to register the complaint of the petitioner dated 09.02.2015 forwarded by the learned Judicial Magistrate No.I, Tirupur, for registration and investigation by the respondent Police.

For Petitioner :Mr.S.Thangavel

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Seeking a direction to the respondent Police to register the complaint of the petitioner dated 09.02.2015 forwarded by the learned Judicial Magistrate No.I, Tirupur, for registration and investigation by the respondent Police, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the material placed on record.

3.It is seen that the petitioner has filed a private complaint, which was referred by the learned Judicial Magistrate No.I, Tirupur, filed under Section 156(3) CrPC to the CBCID for investigation. The learned Additional Public Prosecutor appearing for the respondent submitted that the Magistrate has no power to order investigation under Section 156(3) CrPC by CBCID and it is only the High Court, that has the power under Section 482 CrPC.

4. On reading of the complaint, it is seen that the same has been given in the form of Plaint. In the interest of Justice, the petitioner is directed to lodge a written complaint narrating the facts alone, to the Superintendent of Police, CBCID, who has jurisdiction, within a period of two weeks from the date of receipt of a copy of this order. On such complaint being given, the Superintendent of Police, CBCID, shall allot the same to a competent Investigating Officer to conduct enquiry and take appropriate action in accordance with law, following the decision laid down by the Hon'ble Supreme Court in Lalita Kumari v. Government of Uttarpradesh & Others reported in (2014) 2 SCC 1.

5. This Court is constrained to pass this order, in view of the serious nature of allegations found in the complaint that the Court seal and other Court orders have been fabricated by the opposite party.

With the above direction, this Criminal Original Petition is closed.

-s/d-
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No. I,
Tirupur.

2. -Do- Thro' The Chief Judicial Magistrate,
Coimbatore.

3. The Inspector of Police,
CBCID,
Tirupur District.

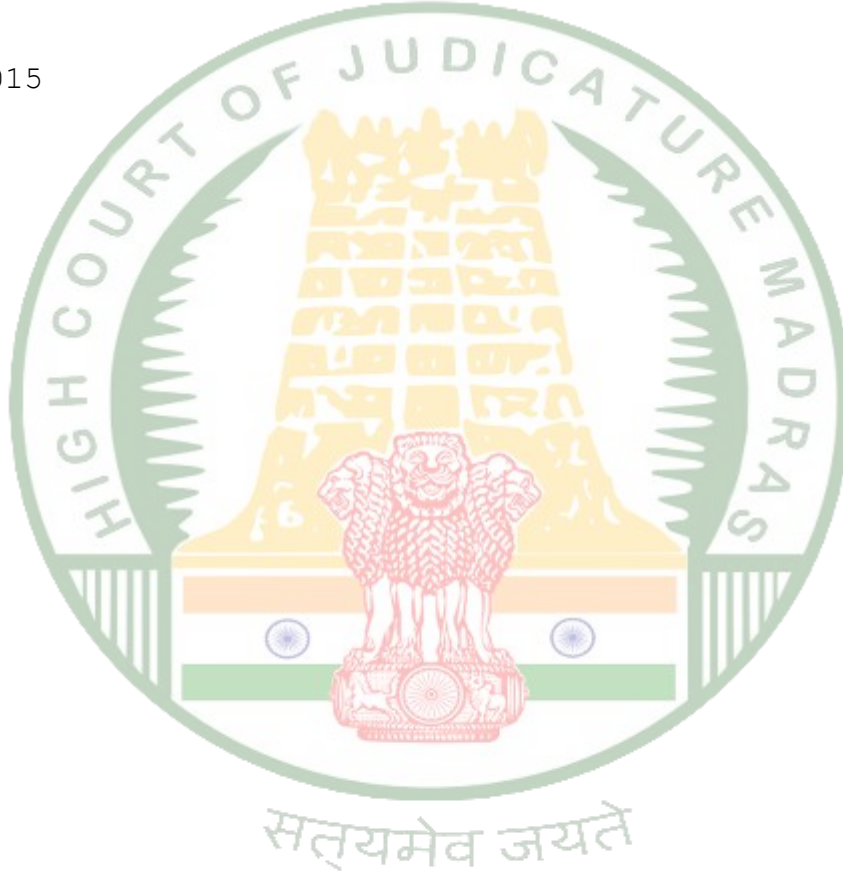
4. The Superintendent of Police,
CBCID,
Tirupur District.

5.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Thangavel, Advocate sr.26028/15

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