

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.26141 of 2009
and
M.P.Nos.1 and 2 of 2009

Boomi Balagan .. Petitioner/Accused 1

vs.

Alagammal ... Respondent/Complainant

Criminal Original Petition filed under section 482 of Criminal Procedure Code praying to call for the records in regard to C.C.No.279/2009 on the file of Judicial Magistrate, Dharapuram and quash the same.

For Petitioner : Mr.A.K.Sridharan

For Respondent : Mr.Sundaravadhanam

ORDER

This petition is filed to quash the complaint in C.C.No.279 of 2009 filed by the respondent against the petitioner and others.

2. Learned counsel appearing for the petitioner submitted that initially on a complaint given by the respondent, a case in Crime No.13 of 2009 was registered by Moolanur Police Station for offence under Sections 147, 294(b), 323, 427 and 506(i) I.P.C. against the petitioner and four others and after investigation, the said police found that the complaint given by the respondent was a false one and filed a final report before the learned Judicial Magistrate, Dharapuram to that effect. Thereafter, the present complaint is filed. It is submitted by the learned counsel for the petitioner that once a final report has been filed stating that the complaint given by the respondent was a false one, the respondent ought to have filed protest petition and pursue the matter, further and without doing so, the respondent cannot file a private complaint in respect of the same transaction.

3. I am unable to accept the contention of the learned counsel for the petitioner. According to me, even after the final report is filed by the police holding that the complaint given by the defacto complainant is a false one, the defacto complainant can either file an application before the same Court praying for an order not to take the final report and direct the police to further

investigate the matter or file a private complaint for the same cause of action. In this case, the respondent has filed a private complaint on the same allegations made in the F.I.R. Hence, I do not find any propriety in filing the private complaint.

4. Accordingly, this criminal original petition is dismissed. The learned Judicial Magistrate, Dharapuram is directed to dispose of the matter within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Judicial Magistrate, Dharapuram.

2.The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.B.Dyaneswaran, Advocate,SR.15429

+1 cc to Mr.A.K.Sridharan, Advocate,SR.15382.

ctk(Co)
krd 27/3

Cr1.O.P.No.26141 of 2009

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