



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P. (MD) No.238 of 2015

WEB COPY

N.Nagarajan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
West Police Station,
Kovilpatti,
Thoothukudi District.

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi in Cr.M.P.No.7265 of 2014 vide his order dated 30.07.2014 and set aside the same and consequently direct the above said learned Magistrate to forward the above said complaint to the respondent police under Section 156(3) of Cr.P.C. so as to register an F.I.R.

For Petitioner : Mr.R.Anand

For Respondent : Mr.S.Prabha

Government Advocate (Crl. Side)

O R D E R

This petition has been filed, praying to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi in Cr.M.P.No.7265 of 2014 vide his order dated 30.07.2014 and set aside the same and consequently direct the above said learned Magistrate to forward the above said complaint to the respondent police under Section 156(3) of Cr.P.C. so as to register an F.I.R.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent and perused the records.

3. Though the submissions have been made on merit, the learned counsel for the petitioner submitted that it is suffice that the complaint shall be treated as a private complaint and the procedure under Section 200 of Code of Criminal Procedure is to be followed.



4. The learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District has also dismissed the application, giving liberty to file a proper complaint.

5. Accordingly, this petition stands dismissed with a direction to the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, to treat the present complaint as a private complaint without being influenced by the order passed by this court and proceed in accordance with law.

Sd/-
Assistant Registrar[RTI]

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No. II, Kovilpatti, Thoothukudi District.

2.Do-Through The Chief Judicial Magistrate, Tuticorin.

3. The Inspector of Police,
West Police Station, Kovilpatti, Thoothukudi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Anand, Advocate SR.No.37945

Cr1.O.P. (MD) No.238 of 2015
08.07.2015

PJL

PA/DKK (B-5) 23.07.2015/2P/6C