



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P. (MD)No.4563 of 2015

WEB COPY

Anthony

.. Petitioner / Complainant

Vs.

- 1.Subbammal
- 2.Maheswaran
- 3.Kiruba@Iyammal
- 4.Selvi

- 5.Manager,
Central Bank of India Branch,
Samathanapuram,
Palayamkottai, Tirunelveli. .. Respondents/ Accused

PRAYER: Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records from the lower Court and to set aside the order passed by the Judicial Magistrate No.1, Tirunelveli, Tirunelveli District in his Crl.M.P.No.889 of 2015 dated 26.02.2015.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel
for Mr.K.Prabhu

ORDER

This petition has been filed under Section 482 Cr.P.C., praying to set aside the order passed by the Judicial Magistrate No.1, Tirunelveli, Tirunelveli District in his Crl.M.P.No.889 of 2015 dated 26.02.2015.

2.Heard the learned Senior Counsel appearing for the petitioner.

3.A perusal of the complaint of the petitioner dated 18.02.2015 on the fact of it informs the commission of cognizable offences. However, the learned Judicial Magistrate No.1, Tirunelveli, proceeded to dismiss the same on 26.02.2015 with the observation that the matter was purely civil in nature and no prima facie case of cognizable offence was made out. We find that the learned Judicial Magistrate is wrong both in making the said observation as also in not following the procedure prescribed in Chapter 15 of Cr.P.C.

4. The learned Senior Counsel presently informs that a direction under Section 156(3) Cr.P.C to City Crime Branch, Tirunelveli, would suffice. Accordingly, direction under section 156(3) Cr.P.C stands issued to City Crime Branch, Tirunelveli, to register a case on the complaint of the petitioner and proceed further in accordance with law.

5. With the above direction, this Criminal Original Petition shall stand disposed of.

Sd/-

Assistant Registrar (T&P)



To

1.The Judicial Magistrate No.I
Tirunelveli.

2.-Do- Thro The Chief Judicial Magistrate,
Tirunelveli District.

3.The Manager, Central Bank of India Branch,
Samathanapuram,
Palayamkottai, Tirunelveli.

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

+1cc to Mr.K.Prabhu, Advocate in SR.No.13370

sm:26.03.2015:2P/6C

CRL.O.P. (MD) No.4563 of 2015
17.03.2015