



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P(MD)No.7059 of 2015
and M.P(MD)No.1 of 2015

1.S.Baskaran
2.S.Paranthaman
3.Uma Devi

... Petitioners/Accused Nos.1 to 3

Vs.

1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

... 1st Respondent/Complainant

2.Shanmugasundari ... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 praying to call for records pertaining to Crime No.600 of 2014 pending investigation on the file of the first respondent and quash the same and pass such further or other orders.

For Petitioners : Mr.A.Jayaramachandran
For R - 1 : Mrs.S.Prabha
Government Advocate (Crl. Side)

For R - 2 : Mr.K.Bhaskaran

ORDER

This Criminal Original Petition has been filed to call for records pertaining to Crime No.600 of 2014 pending investigation on the file of the first respondent and quash the same.

2. The petitioners have been arrayed as accused in Crime No.600 of 2014 for the alleged offences under Sections 193, 195 and 203 of the Indian Penal Code.

3. Both the petitioners and respondent No.2 belonged to the same family. There are two complaints between them. The present complaint is to the effect that the petitioners have fabricated the medical certificate pertaining to the mother of the first petitioner.

4. As the said complaint was not registered, respondent No.2 approaches this Court. This Court issued appropriate direction to the respondent No.1 and in pursuant to the same, a case has been



registered for the alleged offences under Sections 193, 195 and 203 of the Indian Penal Code in Crime No.600 of 2014. Challenging the same, the petitioners have come forward with this Criminal Original Petition.

5. The only submission made by the learned counsel appearing for the petitioners is that all the offences are non-cognizable in nature and therefore, respondent No.1 does not have the power or authority to register the complaint.

6. The learned Government Advocate (Criminal Side) as well as the learned counsel for the respondent No.2 submitted that the complaint has been registered pursuant to the direction issued by this Court.

7. Direction issued by this Court will have to be complied with, provided a cognizable offence is made out. A decision rendered by a Court cannot be read like a statute. A Court cannot be expected to say that even without jurisdiction, an authority can act. Admittedly, the offences mentioned in Crime No.600 of 2014 are non-cognizable in nature. Therefore, respondent No.1 does not have the power or authority to register and investigate the same. In view of the same, Crime No.600 of 2014 is liable to be set aside.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.600 of 2014 on the file of the first respondent is quashed. Liberty is given to the respondent No.2 to give a private complaint, if so advised. As and when, such a complaint is received from the respondent No.2, the same will have to be disposed of by the (*) **learned Judicial Magistrate, Thirumangalam**, within a period of (*) **three Months** from the date of receipt of a copy of this order, without being influenced by any of the observation made in this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per.Admn)

**(*)Amended as per the order of
this Court dated 26.06.2015 made
in Cr1.OP(MD)No.7059/2015**

Sd/-

Assistant Registrar(Cr1.Side)

/True copy/

Sub Assistant Registrar

ps

To

To be Substituted the order already despatched on 24.06.2015.

<https://hccs.courts.madras.gov.in/> of Police,
Thirumangalam Town Police Station,
Madurai District.



2.The Judicial Magistrate, Thirumangalam.

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

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+1cc to M/S.K.BHASKARAN,ADVOCATE IN SR 33937

Crl.O.P. (MD)No.7059 of 2015
12.06.2015

rg.29.06.2015 3p/5c.