

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2097 of 2015

ORDER:

-

1. This Criminal Revision Case is filed by the petitioners-Accused Nos.1 to 3 challenging the order dated 25.8.2015 passed in C.F.No.7030 of 2015 by the V Additional Judicial Magistrate of First Class, Tirupathi.

2. Heard and perused the material available on record.

3. A private complaint was filed against A1 to A3 for the offence punishable under Sections 120-B, 406, 420, 423 r/w 34 IPC, praying to take cognizance of the case after conducting enquiry or to forward the complaint to the Station House Officer, Renigunta Police Station under Section 156(3) Cr.P.C. The learned Magistrate forwarded the complaint under Section 156(3) Cr.P.C. to the police concerned. Aggrieved by the same, the petitioners-accused filed this revision.

4. Learned Counsel for the petitioners contended that the nature of the allegations made in the complaint are civil in nature but the learned Magistrate referred the matter to the police to register FIR, without any application of mind and without following the procedure and law laid down by the Supreme Court in **Priyanka Srivastava & Another Vs. State of U.P. & Others.**

5. It is true that while exercising power under Section 156(3) Cr.P.C. the Magistrate has to examine the nature of the allegations made in the complaint. After perusing the order under challenge, this Court is of the view that after examining the material, as the learned Magistrate forwarded the complaint under Section 156(3) Cr.P.C., the F.I.R. was registered. The investigation into the matter will reveal the truth of otherwise of the said allegations. Therefore, this Court is not inclined to interfere with the order under revision. However, the respondent-police are directed to complete the investigation, without arresting the petitioners and file a final report, in accordance with law.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 23.9.2015

Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-
-

CRIMINAL REVISION CASE No.2097 of 2015

-
-
-
-

23.9.2015

Nn